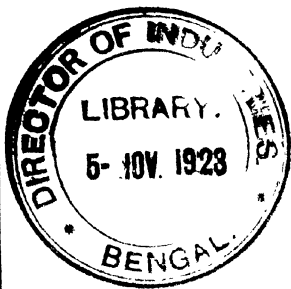


INDUSTRIAL RELATIONS

FINAL REPORT AND TESTIMONY
SUBMITTED TO CONGRESS BY THE
COMMISSION ON INDUSTRIAL RELATIONS

CREATED BY THE ACT OF
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THE DOCK WORKERS OF NEW YORK CITY

(For exhibits under this subject, see pages 2250 to 2212)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, June 8, 1914—10 a. m.

Present: Chairman Walsh; Commissioners Lennon, Garretson, Harriman, O'Connell, and Commons; William O. Thompson, counsel; Charles B. Barnes, investigator, examining for the commission.

Chairman WALSH. The commission will please come to order. You may proceed now, Mr. Barnes.

Mr. BARNES. Before calling the first witness I would like to call your attention to something I would like to have on the record, and that is the extent of the work. I do not think it necessary to call the secretary of the chamber of commerce, as he gave me advance sheets of the annual publication, and I would like to file it showing the amount of exports.

Chairman WALSH. Showing what?

Mr. BARNES. Showing the total amount of foreign commerce as well as domestic commerce.

Chairman WALSH. Have you more than one of them?

Mr. BARNES. No, sir; I have not.

(The document was received in evidence and marked "Dock Workers' Exhibit 1." The document referred to was submitted in printed form.)

TESTIMONY OF MR. JOHN F. RILEY.

Mr. BARNES. Mr. Riley, will you please give us your name, your residence, and your occupation?

Mr. RILEY. John F. Riley, 139 One hundredth Street, New York City.

Mr. BARNES. Mr. Riley, how long have you been working at longshore work?

Mr. RILEY. This will make my twelfth year.

Mr. BARNES. Here in the port of New York?

Mr. RILEY. Yes, sir.

Mr. BARNES. What is your present position?

Mr. RILEY. I am now international organizer for the International Longshoremen of New York.

Mr. BARNES. How long have you been that?

Mr. RILEY. It will be a year in July.

Mr. BARNES. You are thoroughly acquainted with the longshore work in the port of New York, and the ins and outs?

Mr. RILEY. Yes, sir; pretty well.

Mr. BARNES. Will you tell the commission a little bit about the work. In the first place, state the wages, the rate per hour, paid for longshore work.

Mr. RILEY. Taking the Chelsea section, the pay is 33 cents an hour for day-work, 50 cents per hour at night, and 60 cents on Sunday and some holidays.

Commissioner LENNON. What is that section you just mentioned?

Mr. RILEY. Chelsea section.

Commissioner LENNON. What does that mean?

Mr. RILEY. That means between Twenty-third and Gansevoort Market.

Mr. BARNES. Mr. Riley, tell the commission the lines that dock there. Tell us the steamship lines that dock there.

Mr. RILEY. Beginning at Twenty-third, the American Line; then the Red Star Line; two White Star Lines; American Transport, French Line, down to the Cunard; three piers of the Cunard; and the American Mercantile Marine, taking in five piers.

Mr. BARNES. About how many men on those nine piers working for the International Mercantile Marine? That is, the White Star, Cunard, and the Red Star, Atlantic Transport, and American Lines, etc., about how many men does it take to do the work there?

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Mr. RILEY. Well, at the busiest season—
 Mr. BARNES. Normal times.
 Mr. RILEY. Normal times?
 Mr. BARNES. Yes, sir.
 Mr. RILEY. About 2,500.
 Mr. BARNES. About 2,500?
 Mr. RILEY. Yes, sir.
 Mr. BARNES. About how many men hang around for that work?
 Mr. RILEY. About 5,000.
 Mr. BARNES. In other words, about double the amount of men required to do the work?
 Mr. RILEY. Yes, sir.
 Mr. BARNES. Is that what you mean?
 Mr. RILEY. Yes, sir.
 Mr. BARNES. How are those men hired?
 Mr. RILEY. They are hired in what is known as shapes. The men congregate in something of a horseshoe form, and the man known as the stevedore, he stands out in the doorway calling in different gangs. These men stand, as I said before, in horseshoe shape; he calls out first No. 1 deck gang, then No. 1 dock gang, or No. 1 hold gang, and No. 1 dock gang, then right straight down the line until he has probably 15 or 16 gangs.
 Mr. BARNES. Now, at the beginning are men hired as individuals? That is, I mean as Jim and Tom, hired as individuals the first time?
 Mr. RILEY. No, sir; taking 60, for instance, the men are hired in gangs; they do not call out no Jim, John, etc. Probably after they have all the gangs filled they call them out Jim, John, etc., to fill up the extra men.
 Mr. BARNES. How are the gangs made up originally?
 Mr. RILEY. Well, the gangs are made up of six.
 Mr. BARNES. No; but how is a gang first hired? Who first selects them? How are they selected?
 Mr. RILEY. If a boss or stevedore wants to select a gang he goes out and touches a man on the shoulder and brings him in.
 Mr. BARNES. He makes up the gangs out of the individual men standing there?
 Mr. RILEY. Yes, sir.
 Mr. BARNES. After the ship is at work and the gangs have been apportioned on the ship, then he calls out the men in gangs?
 Mr. RILEY. Yes, sir.
 Mr. BARNES. But he does not do that the first time, when the ship is first in? He has to name the different individuals making up the gang, doesn't he?
 Mr. RILEY. On Pier 60 the gangs work there steadily all the time.
 Mr. BARNES. How about the other piers?
 Mr. RILEY. They are different. They generally make up gangs every ship.
 Mr. BARNES. Sixty stands alone in that respect?
 Mr. RILEY. Yes, sir.
 Mr. BARNES. Now, you say about 2,500 work at those nine piers, and about 5,000 men hang out to get work?
 Mr. RILEY. Yes, sir.
 Mr. BARNES. Is there a constant shifting at most of the piers so that some of the 5,000 men get work throughout we will say a week or two weeks?
 Mr. RILEY. From one pier to the other?
 Mr. BARNES. Yes, sir.
 Mr. RILEY. Yes, sir.
 Mr. BARNES. When men fail to get work at one pier, what do they do?
 Mr. RILEY. Go to the next pier.
 Mr. BARNES. And shape in the next morning—
 Mr. RILEY. If they do not get a shape in the middle of the day, if they do not get the shape at 1 o'clock, sometimes 2, sometimes 3, or sometimes it is as late as 4 o'clock.
 Mr. BARNES. If a ship gets in too late at night and the baggage is taken off too late to start the freight work that day, when do you start, the next morning?
 Mr. RILEY. Seven a. m.
 Mr. BARNES. The men all go to work?
 Mr. RILEY. Yes, sir.

Mr. BARNES. Suppose the ship does not get in until 8 or 9 o'clock. Are the men expected to be there and wait until it does?

Mr. RILEY. Sometimes they have to wait from 2 p. m. until 8 o'clock at night.

Mr. BARNES. For the ship to come in?

Mr. RILEY. Yes, sir; sometimes five and six hours.

Mr. BARNES. There is no regular time of hiring?

Mr. RILEY. No, sir.

Mr. BARNES. You just have to hire at 7 o'clock to get ready?

Mr. RILEY. Yes, sir.

Mr. BARNES. Then the men work until 12 o'clock?

Mr. RILEY. Yes, sir.

Mr. BARNES. Then you have an hour for dinner? An hour at noon?

Mr. RILEY. An hour at noon for dinner; yes, sir.

Mr. BARNES. How long do you work in the afternoon?

Mr. RILEY. Until 6 o'clock.

Mr. BARNES. Ten hours a day?

Mr. RILEY. Yes, sir.

Mr. BARNES. Then, at night is there any restriction about the amount of work you shall do at night? Do you work a 10-hour day at night?

Mr. RILEY. No, sir; as a general rule, we knock off at 11 o'clock.

Mr. BARNES. Do you ever work at night?

Mr. RILEY. Yes, sir; as a rule, they work most of the piers. I am speaking of the Chelsea section in particular. They work from 7 until 11 at night. Then we call it knocking off—quit work at 11 o'clock. And if there is a big cargo to go aboard a ship they will work until 12 o'clock and knock off at 12 o'clock and resume again at 1 o'clock and work probably until 5 o'clock sometimes in the morning and sometimes until 6 and go home until 7 for lunch, and then immediately come back to work until 12, as a rule.

Mr. BARNES. As a rule?

Mr. RILEY. Yes, sir.

Mr. BARNES. You do work until night?

Mr. RILEY. Yes, sir.

Mr. BARNES. What is the longest hours you ever work continuously?

Mr. RILEY. About 28 hours.

Mr. BARNES. Twenty-eight hours continuously; that is, with the periods for eating between?

Mr. RILEY. Yes, sir.

Mr. BARNES. Now, when the men do this waiting about where do you wait? Where do your men wait? You say you sometimes wait from 8 o'clock in the morning until 2 o'clock in the afternoon from such and such hours. Where do your men wait?

Mr. RILEY. On the sidewalk or in the place known as a farm, in front of the piers, known as the farm. And, I am sorry to say, saloons, too, or the Longshoremen's Rest. That is the only place we have for shelter, known as the Longshoremen's Rest.

Mr. BARNES. That is at the foot of Twenty-second Street?

Mr. RILEY. Yes, sir.

Chairman WALSH. What is that rest—what is the Longshoremen's Rest?

Mr. BARNES. There is just one Longshoremen's Rest in the entire port, and that is in this Chelsea section, and it is supported by the Church Temperance Society, and it is just a large room, with games and periodicals and things of that kind, and a place for the men to wait in.

Mr. BARNES. Now, Mr. Riley, you say that some of them rest in the saloons?

Mr. RILEY. Yes, sir.

Mr. BARNES. Is this life along the water front—do you consider that one of the reasons for the longshoremen having a reputation for drinking?

Mr. RILEY. That is the whole cause, in my opinion, the men being idle every day, and a ship is laid out there, and the men don't get to work and have to lay around there and wait for one, and a longshoreman has to be ready at all times, ready to take a call. He may be called at 9 o'clock or he may be called at 9.30 or 10 or up to 11, and sometimes a half hour, and he has got to be always waiting, and it is pretty laborious work, and it keeps a man laying around there, and if he is a drinking man he is liable to go to a saloon, and that has caused the down grade of our men, having to lay around and frequent the saloons, and that is the only place he can frequent, and that is making the home life and conditions bad for him.

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Mr. BARNES. About how many days a week do you estimate men, say, in the Chelsea section—how many days a week do the men get—average, say—week after week?

Mr. RILEY. I could not answer as to the days. I could figure as to the pay.

Mr. BARNES. What is the average earnings of longshoremen?

Mr. RILEY. I figure they average about \$9 or \$10.

Mr. BARNES. About \$9 or \$10 a week on the average?

Mr. RILEY. Yes, sir.

Mr. BARNES. That would mean three or four days a week?

Mr. RILEY. Yes, sir.

Mr. BARNES. When you give these three or four days of work he stays there the entire six or even seven; for I assume that on some occasions, at least, a vessel will be in on Sunday?

Mr. RILEY. Yes, sir.

Mr. BARNES. So that he spends seven days to get between three and four days' work?

Mr. RILEY. He surely does spend seven days, not counting the nights that he spends there.

Mr. BARNES. You think, then, that the average earnings you are talking about for your 5,000 men are between \$9 and \$10?

Mr. RILEY. Yes, sir.

Mr. BARNES. You mean all the year through?

Mr. RILEY. Yes, sir.

Mr. BARNES. You mean a longshoreman will earn something over \$500 in the year?

Mr. RILEY. Yes, sir.

Mr. BARNES. The average longshoreman—

Mr. RILEY (interrupting). That is the way we figured it on about 100 different men.

Mr. BARNES. Right there, Mr. Riley, do you ever, now and then, hear of the huge earnings for longshoremen which are possible when you work your 28 hours; part of that time you get 33 cents, part of the time 50 cents, and you are able on occasions of that kind to pile up, as they say, a large week, are you not?

Mr. RILEY. Yes, sir.

Mr. BARNES. Aren't those weeks something like the prizes in a lottery, however? Aren't they rather infrequent, or are they not?

Mr. RILEY. Taking the White Star pier, the pay is pretty good all of the time, but the other piers you don't know what you will get. That is a case of a lottery there, or putting it in the hat and shake for it.

Commissioner O'CONNELL. You say you don't know what you are going to get? Mr. RILEY. Because the work is so uncertain. You might be called to one ship and may get a day, and you might not get another day for a week.

Commissioner O'CONNELL. Is the rate of wages the same?

Mr. RILEY. Yes, sir. Because the ship may just have a small cargo aboard, and you will be waiting for work and still not get it.

Mr. BARNES. Why do men continue these long hours? Is there a reason for that? Why do you keep at 28 hours' work continuously? Why should not you drop out, taking it from the standpoint of the whole body of longshoremen?

Mr. RILEY. If a man is lucky enough to have a good gang and he is not able to have energy enough to stick it out, as we say, using longshore words, and if he is not able to stick it out he will lose his gang, and it will probably be a long time before he can get another good gang.

Mr. BARNES. In other words, he sticks to these long hours for fear if he drops out of the gang he will lose it?

Mr. RILEY. Yes, sir.

Mr. BARNES. Then, of course, do you consider that these long hours that he has to work, do you consider the fatigue that comes from that, has anything to do with his drinking?

Mr. RILEY. I claim the longshore work myself, personally, I claim it will use a man up in 10 years, and if a man works two or three nights a week at the most laborious work anybody ever saw, and if they see longshoremen's work, they will say so; a man is pretty near done; the strongest of them.

Mr. BARNES. I have heard, Mr. Riley, in speaking of longshoremen, that there was a time once when men were allowed out at 9 o'clock and 3 o'clock in the afternoon and 9 o'clock in the morning to get a drink. That practice has ceased, hasn't it?

Mr. RILEY. Yes, sir.

Mr. BARNES. Everywhere in the port?

Mr. RILEY. I guess they do it in Hoboken yet, but not in New York City; I don't think so.

Mr. BARNES. The men are not allowed to lunch on the pier, are they?

Mr. RILEY. No, sir.

Mr. BARNES. They are not allowed to stay on the pier at all at any time except during the time they are at work?

Mr. RILEY. That is all.

Mr. BARNES. What sort of facilities—as I understand it, Pier 60, the White Star Line, is considered the best pier in the city—in the port?

Mr. RILEY. Yes, sir.

Mr. BARNES. What facilities have you on that pier for putting away your coats and hats—any regular place?

Mr. RILEY. Throw them overboard or hang them on the floor; that is the only place I know of.

Mr. BARNES. How about the matter of being hurt; is there anything on that pier for the purpose of rendering aid to a man who is injured; any regularly appointed place?

Mr. RILEY. No, sir; no regularly appointed place. We have a medicine cabinet with all kinds of appliances for the injured.

Mr. BARNES. Who does that belong to?

Mr. RILEY. To the International Longshoremen.

Mr. BARNES. You mean the longshoremen's union put it in?

Mr. RILEY. Yes, sir.

Mr. BARNES. Where is it located?

Mr. RILEY. Down in the ladies' lavatory; down at the end of the pier; on 60.

Mr. BARNES. You mean it is at the far end of the pier; not at the office, but down toward the far end of the pier in the women's lavatory?

Mr. RILEY. Yes, sir; we found that to be the best place to have it, because it was more convenient there than any place else.

Mr. BARNES. Now, Mr. Riley, tell me a little bit on the subject of accidents. Is longshore work dangerous? Is there a great hazard in the work?

Mr. RILEY. I don't know whether everybody that works on longshore work makes a study of it, but I make a study of it, and I imagine it is one of the most dangerous occupations in the country. I believe the statistics for 1911 will tell you there was almost as great a number of men injured at longshore work as at mining, and mining is considered one of the most hazardous works known. There are so many men injured at longshore work, and the records of the longshoremen injured at work is not brought out right simply because the longshoreman is oftentimes slightly injured, and a longshoreman would call that a slight injury where a clerk or a man in an easy position would call it a severe injury. Lots of times longshoremen bruise two or three fingers or toes, throw an ankle out, and say nothing about it, and the companies, or even the organization, don't know anything about it. They simply let it slide and say, "We will get better if we can," and don't look for any compensation, and I don't think they would get it any way. But they don't look for it. Lots of accidents are reported, but not one-half of them are reported.

Mr. BARNES. You mean they are not reported in the newspapers or reported to anybody?

Mr. RILEY. I mean to the company. The company always tries to do something if they are reported to the company; but oftentimes they don't report it. Lots of times—the men are proud, and also one gets injured twice in a short time and he is almost ashamed to report it, because it makes you a pretty bad workman if you are injured twice in a short time. They claim that it is part of your own carelessness if you are injured twice in a short time.

Mr. BARNES. Who looks after the work as regards prevention of accidents? I mean who furnishes the gear, speaking generally, of the entire port, because we want to get away from Pier 60, on which you work, and I find you are always talking of 60 as the best pier. I want to speak of the whole port, as you are acquainted with it.

Who furnishes the gear or the appliances that go to make up the longshoremen's outfit and work kit?

Mr. RILEY. In all my 12 years of longshore work I don't think I saw anybody examine the gears.

Mr. BARNES. That is to say, is some one responsible?

Mr. RILEY. I should think it would be somebody's duty, but I never knew it was anybody's personal duty. Every man takes a chance.

Mr. BARNES. Isn't it somebody's duty to see the bolts and ropes are safe?

Mr. RILEY. If a man saw a rope unfit, he would cut it.

Mr. BARNES. Why would he cut it?

Mr. RILEY. If you were crossing a bridge and saw a board was unsafe, you certainly would not want to cross the bridge, and the same way with the men. He would cut a rope to prevent somebody else using it. There is two men known as slingers, and if they put a rope down and if they think the rope is not strong enough to lift the load they will cut it.

Mr. BARNES. Why would not the men report that defect? Why should he cut, slyly cut, a rope when he could simply report it to some one and have that rope replaced by a better one?

Mr. RILEY. He would not be doing it slyly; the company approves of that.

Mr. BARNES. The companies approve of that?

Mr. RILEY. Yes. I am talking of the place—of the companies I work for, and mostly I know—

Mr. BARNES (interrupting). You mean 60?

Mr. RILEY. Yes, sir; they certainly have the very best of gear; but the other companies, it is pretty unsafe to work for them, that I know.

Commissioner LENNON. Before he leaves there let him tell us what proportion of the freight is handled by these ropes and tackles, etc., unless you will reach that later.

Mr. BARNES. Well, Mr. Riley, the commissioner wants to know what part of the freight is handled by those ropes and gears and pulleys.

Mr. RILEY. About all of it.

Mr. BARNES. All of it?

Mr. RILEY. Yes, sir.

Mr. BARNES. In other words, the strain of the lifting up of the goods and the strain of putting the goods on the pier and transferring the goods is from the gear—is all on these ropes?

Mr. RILEY. Yes, sir.

Mr. BARNES. Does that answer the question?

Commissioner LENNON. All right.

Chairman WALSH. Do I understand there is no systematic inspection of this tackle at all?

Mr. RILEY. Never to my knowledge.

Chairman WALSH. By anybody on behalf of the owners of that tackle?

Mr. RILEY. Not to my knowledge.

Chairman WALSH. The tackle is furnished by the steamship companies, as I understand it?

Mr. RILEY. Yes, sir.

Chairman WALSH. Is there any person that says when it is so old that it shall be changed?

Mr. RILEY. Well, one particular pier, I will have to say that they take very good care of the pier. Outside of that, there is no inspection on other piers.

Mr. BARNES said he wanted me to confine myself to 60, and I must say for 60 the gear was always very well taken care of. On other piers the gear it is almost a shame to use it so.

Chairman WALSH. Who takes care of it on 60?

Mr. RILEY. The storekeeper, Mr. Campbell—John Campbell. I don't know whether he is instructed by the company to do it, but I know he does. He is always very careful.

Mr. BARNES. In case a man is hurt or injured badly, what is done?

Mr. RILEY. Well, he is carried to an office, say, or waiting room, or baggage room, and sat there or laid there, anyway, until an ambulance comes.

Mr. BARNES. You mean there is no way in which he can be helped? How long does it take the ambulance, generally, to arrive?

Mr. RILEY. Half an hour, three-quarters, sometimes, sometimes 15 minutes.

Mr. BARNES. There are less times than that, however, aren't there, when the ambulance will come there—20 or 30 minutes?

Mr. RILEY. Yes.

Mr. BARNES. Whatever the time may be, the man is laid on whatever it may be, you say?

Mr. RILEY. Laid out on a bench; that is all there is.

Mr. BARNES. On a bench.

Mr. RILEY. There is on the French Pier, I believe, they have got a room set

Mr. BARNES. But on the other piers there isn't any?

Mr. RILEY. No, sir.

Mr. BARNES. And even on Pier 60, the best pier, the only thing for first aid to the injured is the cabinet, and your longshoremen furnished that?

Mr. RILEY. Yes; we were allowed permission to put it on the pier. We had to ask permission to put it on the pier.

Mr. BARNES. And that permission was granted?

Mr. RILEY. Yes, sir.

Mr. BARNES. Now, after a man is hurt and recovers, if he complains to the company what is done about it?

Mr. RILEY. About his injury?

Mr. BARNES. Yes. I mean, if a man is laid up for two or three weeks on what you call an accident—what a longshoreman calls an accident—laid up for two or three weeks and recovers, what does he do?

Mr. RILEY. Goes to see the head of the company, and sometimes they will compensate him, and sometimes they give him nothing, but promise him something.

Mr. BARNES. Does the company do it, or does it refer him to some employers' liability insurance company?

Mr. RILEY. I believe they put him up to the insurance company.

Mr. BARNES. Specifically, where does he go? Does he go to the company's office on the pier, or does he go to some place uptown?

Mr. RILEY. The superintendent's office on the pier.

Mr. BARNES. Where does the superintendent send him?

Mr. RILEY. Well, I think he does business with 9 Broadway. I know there are two insurance companies, but that is too far along for me.

Mr. BARNES. Tell us something about the pay for longshoremen's accidents.

Mr. RILEY. Well, a man may be there perhaps 10 or 11 weeks, might possibly receive \$25. Sometimes he might receive \$100, but if he gets \$100 he is doing very well.

Mr. BARNES. What sort of an injury? Give me some injury for which you know a man has received \$100.

Mr. RILEY. Broken leg

Mr. BARNES. How long would he be laid up?

Mr. RILEY. Approximately three or four months.

Mr. BARNES. If he received \$100?

Mr. RILEY. Yes, sir.

Mr. BARNES. Suppose a man was laid up three weeks, what does he get?

Mr. RILEY. The chances are he would get nothing—9 out of 10 times.

Mr. BARNES. Does he sue therefor—I mean for the small injuries?

Mr. RILEY. Most all the time they get a lawyer—some kind of a lawyer—and try to recover; but that does not help any.

Mr. BARNES. Suppose a man attempts by law to recover from the company. Does that injure his standing at that pier?

Mr. RILEY. In former years it did; but lately I don't think it does. It used to.

Mr. BARNES. It used to?

Mr. RILEY. I don't think the company went on record as saying so, but we personally knew that it did.

Mr. BARNES. You say "company." Are you referring now to Pier 60 again?

Mr. RILEY. No; I refer to all the companies?

Mr. BARNES. There is a change in that respect?

Mr. RILEY. Yes, sir.

Mr. BARNES. Doesn't affect him so?

Mr. RILEY. No, sir. A man formerly was injured and if he brought suit through a lawyer's firm he might as well call himself done as far as work is concerned along that particular pier or piers he had suit against.

Mr. BARNES. Now, in regard to the diseases connected with the work—name one or two of the diseases prominent among longshoremen.

Mr. RILEY. The most prominent diseases that come to my knowledge are tuberculosis, pneumonia, and rheumatism. About 9 out of 10 of the men working longshore work are affected to some extent with rheumatism—have some little rheumatism. And the majority of the deaths are from tuberculosis and pneumonia.

Mr. BARNES. To what do you attribute it?

Mr. RILEY. The hard work, the energy used up. The energy used up going into one of the storage boxes in the heat of the summer, something like that, without having sufficient clothing to keep you warm, will give you pneumonia

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out in a short time and takes all the good that is in him, and he wears himself away; and we claim it is either tuberculosis or pneumonia or rheumatism. The damp pier gives him rheumatism and the hard work tuberculosis and pneumonia.

Mr. BARNES. Now, Mr. Riley, I want to ask you your opinion on two or three things: In the first place, you told me the men had to hang around the water front, and that there is only one shelter in the entire port, and it is the occasion of a great deal of drinking, and so on. Now, I would like to know, do you believe, from your experience—you have passed through 12 years of it—would it be possible or a practicable thing for the companies to have regular hours of hiring them?

Mr. RILEY. Yes, sir. In my opinion it would.

Mr. BARNES. I have here a book which is entitled "The First Year's Work in the Liverpool Dock Scheme." I find in that that in Liverpool the companies had been able to arrange their work so that they hire as many men at 7 o'clock in the morning as they can use at the work, and those who are not hired can go away from the water front entirely, because there will be no further hiring until at 1 o'clock. And at 1 o'clock in the afternoon they again hire men, and if there is any night work they hire them at 7 o'clock. In Liverpool there is only 9 hours a day work. Do you believe it would be possible for the work to be so arranged in this port, especially with passenger ships which have regular sailings, so that they could hire at a stated period and then have it understood that the men would not be hired between those hours? Do you think that is practicable?

Mr. RILEY. Yes; at 7, 1 and 7; 7 in the morning, 1 in the afternoon, and 7 in the evening.

Mr. BARNES. Now, I understand the companies have so arranged it that they keep 5,000 men to do the work of 2,500?

Mr. RILEY. Well, I don't say that it is exactly that, but—

Mr. BARNES (interrupting). Now, every shaping, how many men will be hired and how many men will not be taken on?

Mr. RILEY. Always a couple of hundred and sometimes more not taken on.

Mr. BARNES. Give us some sort of a rough guess out of that couple of hundred about how many would get work at other piers that day?

Mr. RILEY. Probably 100.

Mr. BARNES. In other words, a hundred of the men would keep hanging around for a reserve force?

Mr. RILEY. Yes, sir.

Mr. BARNES. Is it a fact that at some of the piers there is a system of rotation so that these men will apply to the different piers again and again?

Mr. RILEY. Oh, a stevedore, after he has been coming out and shaping for years and years begins to get men on hand and will keep a surplus line of men, which is of benefit to him, certainly, keep as extra men a lot of different men together.

Mr. BARNES. That is, they will be taken on this shaping, then probably not on the next shaping, but on the next again?

Mr. RILEY. Yes, sir.

Mr. BARNES. So as to keep a reserve force of men?

Mr. RILEY. Yes, sir.

Mr. BARNES. Then in that case, assuming that that is the case, then those men are deprived of that opportunity to earn wages and lose that much time. Now, by this regular order of hiring scheme, could some of that be eliminated? I mean would a large number of them hang out—I mean, wouldn't some of this be eliminated?

Mr. RILEY. Why, certainly; it would be the cause of making better men of the longshoremen to give them more time to be at their homes and make them better men all around, and certainly they would not frequent the saloons so much if they knew that after the shaping they could all go back and then come back again at 1 o'clock. But the way it is they are afraid to leave for fear that they will lose either their gangs, if the gangs are called in, and they will not be there for shaping for work; and if the boss does not see the man there shaping for work in the middle of the day he don't want him any more.

Mr. BARNES. That means then that the men have to hang all day in front of the piers or some place together conveniently to them?

Mr. RILEY. Yes, sir.

Mr. BARNES. And you think that would do away with this waiting?

Mr. RILEY. Yes, sir.

Mr. BARNES. Now another point you brought out about accidents. Do you believe that it would be a good thing to have an inspection of the gear by an outside party not responsible to either the employers or employees?

Mr. RILEY. It certainly would—some disinterested party. Sure it would be all right.

Mr. BARNES. You have known of accidents, have you, personally, where they were caused by defective gear?

Mr. RILEY. Yes, sir.

Mr. BARNES. Also, you have known of accidents attributable to the carelessness of the men?

Mr. RILEY. Yes, sir; lots of them.

Mr. BARNES. Is it not a fact that the men do get work hardened and that they take all sorts of risks after a time in the hurry of the work and that the men take risks after working a little while as longshoremen that they would not take the first week? Is that true or not?

Mr. RILEY. Yes, sir; after they get accustomed to the work they take chances lots of times where they would not if they were green, and then again a first-class longshoreman he is forced to do a good deal more than the green man. And he has got to do it and knows how to do it, and he has got to be able to do it. If he classed himself as a green man, he has got no use working there for any pier up to date, that is sure.

Mr. BARNES. Now, tell me something about the shelter. Tell the commission here about this one shelter. Tell the benefit it has been to the men, if it has been, or a detriment, or whatever it may be.

Mr. RILEY. Speaking from an organization point, the rest, known as the Longshoremen's Rest, has certainly benefited our men a great deal. It has been the cause of making their home life better, and making them better morally in every shape and form. Now they are studying magazines and reading daily papers. It makes them more intellectual and sometimes seems to make them 70 or 80 per cent better men. But this is a small, little rest that don't accommodate but a small amount of men in the Chelsea section.

Chairman WALSH. About how many does it accommodate?

Mr. RILEY. I should say four or five hundred men. There are three floors.

Mr. BARNES. About how many, Mr. Riley?

Mr. RILEY. Five or six hundred at most.

Mr. BARNES. In reality how many men use it, ordinarily?

Mr. RILEY. Well, wet or very stormy days it will be filled to its capacity.

Mr. BARNES. Now, give us your estimate of the number of longshoremen in New York.

Mr. RILEY. About 45,000.

Mr. BARNES. By that you mean foreign-commerce workers and coastwise workers?

Mr. RILEY. Yes, sir.

Mr. BARNES. Is there a labor organization among the foreign-commerce men? Didn't you tell me that you were an officer of some organization?

Mr. RILEY. Yes, sir. Do you mean our organization?

Mr. BARNES. Yes, sir. I say, is there a labor organization among the longshoremen?

Mr. RILEY. Yes, sir.

Mr. BARNES. What is the name of that?

Mr. RILEY. International Longshoremen's Association.

Mr. BARNES. How long has that been in existence?

Mr. RILEY. About 12 years.

Mr. BARNES. Any other longshoremen's organization?

Mr. RILEY. In the port of New York?

Mr. BARNES. Yes, sir.

Mr. RILEY. There was an organization called the L. U. P. or the L. U. P. A.—the Longshoremen's Union Protective Association; but now they have affiliated with us.

Mr. BARNES. How long ago did that affiliation take place?

Mr. RILEY. About two weeks ago.

Mr. BARNES. That is, that all during these years there have been two opposing organizations here?

Mr. RILEY. Yes, sir.

Mr. BARNES. And they have fought each other?

Mr. RILEY. Yes, sir; like a couple of Kilkenny cats; yes, sir.

Mr. BARNES. Hasn't this fight between the two organizations been one reason you have been able to secure such little recognition from the steamship companies?

Mr. RILEY. In our opinion; yes.

Mr. BARNES. One would not stand for the propositions of the other?

Mr. RILEY. That is the idea. One was jealous of the other.

Mr. BARNES. Now, you think that is over because the old organization is now coming into your organization?

Mr. RILEY. I think it is over, because the international association all over the country has been able to sign agreements and live up to agreements—the International Longshoremen have been able to make agreements with the different bosses and the steamship companies of New York and in Boston, and to the organization.

Mr. BARNES. However, there has never been a wage scale signed?

Mr. RILEY. Not in New York City.

Mr. BARNES. There has been in Boston?

Mr. RILEY. Boston; yes, sir.

Mr. BARNES. What other ports that you know of?

Mr. RILEY. St. Johns, Frisco—oh, they are too numerous to mention.

Mr. BARNES. But this port, the largest one, they never have had one?

Mr. RILEY. Not to my knowledge.

Mr. BARNES. The L. U. P. A.—now, during this time of fighting you have not organized any of the men. Does that mean that a very large body of men are still unorganized?

Mr. RILEY. Yes, sir; a very large body are unorganized.

Mr. BARNES. Only on the better class of piers are the organized men found? Is that right?

Mr. RILEY. Yes, sir.

Mr. BARNES. I would like to ask you, Mr. Riley, you say that only on the better class of piers the organized men are found, does that mean that the companies have found that the men who joined the organizations are a better class of men, or what?

Mr. RILEY. Well, there is no question about that. The company knows that the organized men are the best workmen always, because the organization helps to keep the men in line and he has got to be strictly aboveboard, and it don't permit any drinking or broaching of the cargo, and because the man, if he is an organization man he is a good man for the companies, and if he is not a good organization man he isn't worth a continental to the companies either.

Mr. BARNES. Do the companies deal with you as a union?

Mr. RILEY. I can not say directly; but indirectly they do.

Mr. BARNES. They have never dealt directly with you as a union. However, your union has had its committees meet with the steamship companies?

Mr. RILEY. We have met with the steamship companies and they were always fair—practically always.

Mr. BARNES. Now, dating way back to the Civil War, there have been these foreign longshoremen that have had organization in some form or other, but the coastwise men have rarely been organized?

Mr. RILEY. Very poorly organized.

Mr. BARNES. And the coastwise men—how do they compare with the foreign-commerce men. Are they a poorer body of men—

Mr. RILEY. Not as efficient as the Atlantic going men.

Mr. BARNES. Now, speaking about Chelsea piers for a moment, what is the nationality at the Chelsea piers?

Mr. RILEY. Irish, Italians, English, and German; those are the four—and French.

Mr. BARNES. How does that hold good over the port?

Mr. RILEY. I guess that would do in the whole port, too.

Mr. BARNES. Up to seven or eight years ago there were very few Italians in the port doing longshore work. How about it now—take the port over the Bush and all?

Mr. RILEY. Close run, I guess.

Mr. BARNES. Would you say the Italians were about half?

Mr. RILEY. Yes, sir.

Mr. BARNES. Are they increasing?

Mr. RILEY. Yes, sir; I should think so.

Mr. BARNES. What do you think about the general character of the body of men? Are they men, as a whole, taking the port over, as fine a body of men as they were 8 or 10 years ago?

Mr. RILEY. No, sir; not by a long ways.

Mr. BARNES. To what do you attribute that? Why has the class deteriorated?

Mr. RILEY. That is a pretty hard question to answer.

Mr. BARNES. I will give you a leading question. Do you think the casualness, the abuse of the men, etc., at some of the piers, does that have something to do with it?

Mr. RILEY. That certainly does; yes, sir. If a first-class workman was there in years gone by he could get work at any pier; there was always plenty of work; but now competition is so strong, that there is always a surplus amount of men working, and sometimes the A1 man does not get the preference. A green man will come in and fill in for that day when he is doing the company no good, he is doing no good to anybody excepting himself, he is receiving a salary, that is all.

Mr. BARNES. When a green man is taken on what does he do?

Mr. RILEY. On the dock?

Mr. BARNES. He pulls a truck?

Mr. RILEY. Yes, sir.

Mr. BARNES. Hand trucks on the pier?

Mr. RILEY. Yes, sir.

Mr. THOMPSON. Does he get the same wages as a skilled man?

Mr. RILEY. Just the same.

Mr. BARNES. In other words, there is no difference in the rate? If the man goes down in shape for longshore work to-morrow, he will get just the same as you, who have been there for 12 years; or these men here, who have had 28 or 30 years' experience?

Mr. RILEY. Yes, sir.

Mr. BARNES. That is all.

Commissioner LENNON. Mr. Riley, you spoke about the creation of gangs to do the work, and so forth. Who hires those gangs?

Mr. RILEY. A man known as the stevedore.

Commissioner LENNON. Who is the stevedore employed by?

Mr. RILEY. By the steamship companies.

Commissioner LENNON. Does the stevedore receive any compensation at any time from the men who are hired?

Mr. RILEY. Lots of times; it is pretty hard to prove that. You mean, the salary from the steamship companies; is that what you mean?

Commissioner LENNON. I mean to say, do the men in the gangs who are employed give up anything to the stevedore?

Mr. RILEY. We have known cases where they have done that, but not on the Chelsea section.

Commissioner LENNON. We are talking about New York.

Mr. RILEY. Yes, sir.

Commissioner LENNON. Not one particular case.

Mr. RILEY. Yes, sir.

Commissioner LENNON. Those stevedores are employed by the steamship companies?

Mr. RILEY. Yes, sir.

Commissioner LENNON. How many men are in a gang, about?

Mr. RILEY. Twelve in a dock gang, six in a hold gang, and six in a deck gang.

Commissioner LENNON. Is there any reason to suppose that the steamship companies or the dock companies stand in with the stevedores in requiring a compensation from those men in the gangs?

Mr. RILEY. No, sir; I don't believe the steamship companies know anything about it at all. They would not stand for it in any shape. It is a man's own private business.

Commissioner LENNON. Does this way of hiring men—is it followed by the creation of favors? That is to say, does a stevedore—is he likely to have the same gang all the time?

Mr. RILEY. In an up-to-date pier it is better for the stevedore to have the same gang, if possible. They do the work better and more efficiently in all shapes.

Commissioner LENNON. What proportion of those men are married men?

Mr. RILEY. The majority.

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Commissioner LENNON. The majority of those men are married men?

Mr. RILEY. Yes, sir.

Commissioner LENNON. That live in the port of New York?

Mr. RILEY. Yes, sir.

Commissioner LENNON. Where do they live; down near the docks?

Mr. RILEY. All over the town. The majority live around the docks; yes, sir. It is a case of compulsion to live around the docks, because you are liable to be called on at any time.

Commissioner LENNON. Do the seamen ever unload or load?

Mr. RILEY. In case of strikes.

Commissioner LENNON. I mean otherwise. When there is no strike do they do any loading or unloading of the cargo?

Mr. RILEY. I have never saw them; no, sir.

Commissioner LENNON. You spoke about men having to wait more or less at times. Are they paid for this waiting time?

Mr. RILEY. No, sir.

Commissioner LENNON. Suppose a man is hired at 7 o'clock in a gang, and the work is not quite ready, but it is expected to be ready at any moment, but he has to wait until half past 8; there is an hour and a half. Is he not paid for that hour and a half?

Mr. RILEY. If he is already hired at 7? If he is hired at 7 and they keep him on the pier and have him wait until half past 8 they will keep him busy. If they hire a gang at 7 o'clock and the ship is not in on time they will pay him. They will hire just a few hands to take care of the baggage and take the baggage off and such as that.

Commissioner LENNON. And for that time they will be paid?

Mr. RILEY. Yes, sir.

Commissioner LENNON. Suppose they were hired at 7 o'clock at night, the vessel being expected in in a short time, and it did not get in until 3 o'clock in the morning; would they be paid?

Mr. RILEY. They never do any hiring like that. Very seldom; they make a mistake if they do. They would never hire a man at 7 o'clock and then keep them until 3. It has happened, but not on many occasions. If they keep the men waiting there until 3 that will be all right.

Commissioner LENNON. You spoke of the injury to longshoremen, that is was quite frequent and to a considerable extent, serious. Do the longshoremen come under the New York State compensation law?

Mr. RILEY. Yes, sir.

Commissioner LENNON. And they will be taken care of under that law?

Mr. RILEY. Yes, sir; after the 1st of July; yes, sir.

Commissioner LENNON. You spoke of their being subject to pneumonia and tuberculosis?

Mr. RILEY. Yes, sir.

Commissioner LENNON. Is that accounted for by the nature of the work, their exposure to the extreme heat and then to the extreme cold?

Mr. RILEY. Yes, sir. In wintertime we have to stand around there, waiting around, for two or three hours in the most terrible weather, sleet, wet; we have to wait until the ship comes in. You get soaking wet, and the consequence is you get pneumonia or tuberculosis or rheumatism or something of that kind.

Commissioner LENNON. Does your union make provision for burial of those men when they die?

Mr. RILEY. Yes, sir.

Commissioner LENNON. Before your union made such provision what became of them when they died? Were they taken to the morgue and buried by the city?

Mr. RILEY. Yes, sir; Now, if they are not members of the union they go to the potter's field, if they are not members of the organization.

Commissioner LENNON. You spoke of their spending their time in the saloons along the shore front. Do those saloons cash their checks or advance the longshoremen money at any time?

Mr. RILEY. Yes, sir; they offer all kinds of inducements by cashing the checks or loaning them money or offering inducements of free lunch and large glasses of beer—all that kind of stuff. If the men were not hanging around them hours they would not be there to receive those inducements. Those are our claims.

Commissioner LENNON. What weight will a longshoreman have to lift? Suppose a lot of green men go down on the dock and get a job as longshoremen, is there any test put to them except to put them right at the work?

Mr. RILEY. No, sir; they just go right to work.

Commissioner LENNON. What weight does a longshoreman have to carry? When he carries a load, I mean, as an individual?

Mr. RILEY. Oh, 500 to 1,000 pounds.

Commissioner LENNON. What?

Mr. RILEY. Anywhere from 500 to 1,000 pounds.

Commissioner LENNON. That he carries with a tackle, or touch, or something?

Mr. RILEY. Yes, sir.

Commissioner LENNON. Suppose he got it onto his shoulder—a couple of men flung a bag onto his shoulder?

Mr. RILEY. About 350 pounds for eight hours; they have done it.

Commissioner LENNON. Did you ever carry 250 pounds for that many hours?

Mr. RILEY. Yes, sir.

Commissioner LENNON. You are better than you look, then.

Mr. RILEY. Excuse me, I have not—I do not mean to say I have done it. I would be able to stand it about five hours, but as a rule they do it for long hours.

Commissioner O'CONNELL. Like sugar in a bag?

Mr. RILEY. Yes, sir; carry it on their backs.

Commissioner LENNON. I do not want to indicate that you are exaggerating at all, and I do not want you to; but I want you to be perfectly frank with us.

Mr. RILEY. Yes, sir; I am.

Commissioner LENNON. And tell us what weight a man will carry when it is put on his shoulder. Can he carry 250 pounds?

Mr. RILEY. Three hundred and fifty pounds, too.

Commissioner LENNON. And 350 pounds?

Mr. RILEY. Yes, sir; he has to carry it. That is what I say is the cause of using the energy in the men up. A man is compelled to carry 350 pounds over his own weight. It does an injury. Watchmen who have come down there and worked 10 years—we watch every move they make—and we watch their sickness, which they go through, and in 10 years a man is almost gone.

Commissioner LENNON. Is it not true that some times you have loading and unloading to do that is largely that kind of labor?

Mr. RILEY. Yes, sir.

Commissioner LENNON. Of course, much of it is under the tackle, I know.

Mr. RILEY. Yes, sir.

Commissioner LENNON. But there are sometimes when a large amount of loading and unloading has to be done by individual effort?

Mr. RILEY. Yes, sir.

Commissioner LENNON. Then you say a man will carry 250 pounds right along?

Mr. RILEY. Yes, sir.

Commissioner LENNON. That is all.

Chairman WALSH. Tell me, if you please, Mr. Riley, some of the typical packages, like a sack of sugar, that comes in cargoes that men have to carry on their backs for some distances in unloading. You say sugar in bags, sacks?

Mr. RILEY. Yes, sir.

Chairman WALSH. What else?

Mr. RILEY. Flour.

Chairman WALSH. Flour in what sort of packages?

Mr. RILEY. Bags.

Chairman WALSH. What else?

Mr. RILEY. Potatoes; resin. There is 100 different things.

Chairman WALSH. Resin?

Mr. RILEY. Yes, sir.

Commissioner O'CONNELL. Coffee?

Mr. RILEY. Yes, sir.

Commissioner O'CONNELL. That comes in bags?

Mr. RILEY. Yes, sir.

Chairman WALSH. How much does the average sack of sugar weight?

Mr. RILEY. About 300 and something, I should say.

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Chairman WALSH. Flour runs how much?

Mr. RILEY. Two hundred and some.

Chairman WALSH. Potatoes?

Mr. RILEY. About 180 or 190, I think.

Chairman WALSH. Resin?

Mr. RILEY. I couldn't exactly say the weight of resin.

Chairman WALSH. Mrs. Harriman, do you wish to ask any questions?

Commissioner HARRIMAN. No; I think not.

Chairman WALSH. Has there been any effort on the part of the unions or on the part of any person or organization to establish the employing of those men in regular hours, as it has been indicated that it is done in Liverpool?

Mr. RILEY. The reason the organization did not do anything in regard to that is because we were not consolidated together powerfully enough. I understand we need it, but there are lots of things we need that we dare not approach.

Chairman WALSH. Has there been any effort from any quarter here?

Mr. RILEY. No, sir.

Chairman WALSH. Do you wish to ask anything, Mr. Garretson?

Commissioner GARRETSON. Yes; I want to ask about one phase of this matter. Is a man paid for just one hour?

Mr. RILEY. Yes, sir.

Commissioner GARRETSON. There is no trace of the minimum allowance if a man works beyond the period that he is actually employed?

Mr. RILEY. No, sir.

Commissioner GARRETSON. Are there many instances where men only work one hour or two hours?

Mr. RILEY. A good many.

Commissioner GARRETSON. Are you familiar with the practice that obtains in a great many trades, that if a man commences work he is entitled to either a quarter or a half day or a whole day?

Mr. RILEY. Yes, sir.

Commissioner GARRETSON. Have you ever attempted to establish that?

Mr. RILEY. As I said before, we are not in position. We have been fighting amongst ourselves, the two organizations, but we intend to get together and have a 100 per cent organization, and then go after it.

Commissioner GARRETSON. You recognized the fact, if a man commenced at all he should be paid for a half or a whole day?

Mr. RILEY. Yes, sir.

Commissioner GARRETSON. That would dispose of many of these difficulties?

Mr. RILEY. Yes, sir.

Commissioner GARRETSON. That is all I have. Thank you.

Mr. BARNES. Mr. Riley, you stated here about gangs, and you spoke about a man sticking to his gang until he drops out. You mean he would lose on that shape, because outside of Pier 60 and the better class of piers such a thing as regular gangs does not obtain?

Mr. RILEY. No, sir.

Mr. BARNES. This is peculiar to 60, that nearly the same men are hired in a gang?

Mr. RILEY. Yes, sir.

Mr. BARNES. Is that correct?

Mr. RILEY. Yes, sir.

Mr. BARNES. One other question. You were acquainted with John J. Egan, were you not?

Mr. RILEY. Yes, sir.

Mr. BARNES. He was a member of the assembly in 1909?

Mr. RILEY. Yes, sir.

Mr. BARNES. Do you know of a bill that he introduced?

Mr. RILEY. Yes, sir; he introduced a bill.

Mr. BARNES. That bill, as I remember the copy of it, called for so many feet of space to be set aside on each pier, to be cut off, to be called an emergency room, fitted with hot and cold water, surgical appliances, etc. The bill went to the committee and died there?

Mr. RILEY. Yes, sir.

Mr. BARNES. Has there been any more of that kind among the steamship companies to do that sort of thing themselves?

Mr. RILEY. Not to my knowledge. There is a French pier, I believe, that has a room set aside with some few appliances, I believe.

Mr. BARNES. Mr. Riley, a man, we will say, will shape this pier, loses out, and shapes in another; will he sometimes work two or three different piers or for two or three different companies?

Mr. RILEY. He has a good chance at it when the whistle blows at 10 minutes. That gives a man a chance to shape at other piers, but it is simply done for their gain, that is all.

Mr. BARNES. What I want to know is, is it a fact that men work during the week sometimes at as high as two and three and four different piers?

Mr. RILEY. Yes, sir.

Mr. BARNES. How do they collect their money on Saturday?

Mr. RILEY. They ask permission from the foreman to go to such and such a pier and get their money.

Mr. BARNES. In other words, they have to go three or four or five different places, to that many different piers, to collect a dollar or two?

Mr. RILEY. Yes, sir.

Mr. BARNES. That is all.

Commissioner LENNON. Mr. Riley, would you please furnish the commission, within a day or so, a list of about 25 different sorts of packages that men carry down at the docks longshoremen carry, indicating what it is—potatoes, resin, or what it is—and its weight?

Mr. RILEY. Yes, sir; I will be pleased to.

Commissioner LENNON. And how long, how many hours men ordinarily—not in extraordinary cases—men ordinarily apply themselves to carrying such packages.

Mr. RILEY. Yes, sir; I will, Mr. Commissioner.

Commissioner LENNON. And send it to the commission or bring it up here?

Mr. RILEY. I certainly will.

(The information requested was subsequently furnished, and is as follows:)

(Office of John F. Riley, vice president, 705 Amsterdam Avenue.)

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,
New York, June 9, 1914.

COMMISSIONERS.

DEAR SIRS: Inclosed please find lists of weights which the men carry on their backs from 5 to 20 hours at a stretch.

	Pounds.		Pounds.
Sugar.....	250-360	Coconuts.....	175
Flour.....	280	Pitch.....	185
Beef.....	300	Oilcake.....	275
Potatoes.....	168	Birdseed.....	320-400
Rice flour.....	280	Birdlime.....	200
Coffee.....	250	Cement.....	100
Turnips.....	168	Salt.....	300
Coal.....	175	Beans.....	200
Ivorynuts.....	200	Soda ash.....	340
Starch.....	225		

Respectfully,

JNO. F. RILEY.

Commissioner GARRETSON. Do the men engaged in this work use any appliance, like a shoulder strap, or pad, in the carrying of packages, such as follows with foreign porteros?

Mr. RILEY. Yes, sir; sometimes in the steerage of the Atlantic-going ships they have a pillow that is used; steerage passengers use as a pillow. The men use that strapped to his back like a soldier straps on his knapsack, and place the sugar or flour or potatoes on that so they won't cut. The potatoes and resin, especially, will cut big gashes in your shoulder. There is a certain dirt that comes up and gets right into the skin, and makes you very sore; makes your body very sore.

Commissioner GARRETSON. They never use brow bands on the shoulder?

Mr. RILEY. No, sir; just what I have said.

Commissioner GARRETSON. That is all I have.

Chairman WALSH. Call your next witness.

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TESTIMONY OF MR. JOHN WATSON.

Mr. BARNES. Will you give use your name, please?

Mr. WATSON. John Watson; assistant general superintendent in the International Mercantile Marine.

Mr. BARNES. Mr. Watson, you heard the testimony of the last witness?

Mr. WATSON. Yes, sir.

Mr. BARNES. You are in charge, I believe, specially in charge of this Pier 60, the one that we have been referring to as the best pier in the city?

Mr. WATSON. Of the International Mercantile Marine from Sixty-second to Fifty-eighth Street.

Mr. BARNES. Sixty-second to Fifty-eighth?

Mr. WATSON. Yes, sir.

Mr. BARNES. You are superintendent over all those piers?

Mr. WATSON. Assistant.

Mr. BARNES. Assistant superintendent?

Mr. WATSON. Yes, sir.

Mr. BARNES. Capt. Watson, how long have you been in charge of this work? Were you ever a longshoreman yourself?

Mr. WATSON. Yes, sir; I did longshore work 25 years ago.

Mr. BARNES. How many years?

Mr. WATSON. Twenty-five years.

Mr. BARNES. Twenty-five years ago?

Mr. WATSON. Yes, sir.

Mr. BARNES. Then, you are thoroughly acquainted with the whole work here of the port?

Mr. WATSON. Yes, sir; less or more.

Mr. BARNES. Captain, I would like to know how long you have been assistant superintendent?

Mr. WATSON. Six years, with the I. M. M. Co., but four years for the Atlantic Transport Line before that.

Mr. BARNES. Four years with the Atlantic Transport Line before that?

Mr. WATSON. Yes, sir.

Mr. BARNES. In other words, you have occupied a position of authority for 10 years.

Mr. WATSON. Ten years.

Mr. BARNES. With your general knowledge of the port, Captain, tell me about the number of longshoremen. I mean to include the Atlantic Basin, Hoboken, Chelsea, above and below, East River and all. Take in every part of the port?

Mr. WATSON. I really could not say that, but possibly 40,000.

Mr. BARNES. Possibly 40,000?

Mr. WATSON. Yes, sir.

Mr. BARNES. Including coastwise and foreign commerce?

Mr. WATSON. Yes, sir.

Mr. BARNES. Give us a rough estimate—this is all guesswork, but you are probably better fitted to guess than anybody else here—about what proportion of those are in foreign commerce and what proportion are in coastwise commerce?

Mr. WATSON. Foreign commerce—I should think about one-third would be foreign commerce, one-third of the number of men.

Mr. BARNES. Forty thousand in all?

Mr. WATSON. Yes, sir.

Mr. BARNES. You do not mean to say that it takes two-thirds to do the coastwise business?

Mr. WATSON. Yes, sir. When you use European steamers.

Mr. BARNES. In foreign commerce I mean every steamer that sails to a foreign port, regardless of whether it is to Europe, Africa, or wherever it may be. What proportion of the men would be engaged in foreign commerce?

Mr. WATSON. In foreign commerce?

Mr. BARNES. Yes, sir.

Mr. WATSON. I should think half for foreign commerce.

Mr. BARNES. Twenty thousand for coastwise and Sound and river traffic and 20,000 for foreign-commerce work?

Mr. WATSON. I should think so.

Mr. BARNES. What nationality are those, generally speaking; take the port over again?

Mr. WATSON. Well, all nationalities, really. There are Germans, Irish, Italians, Polaks; different. All nationalities really are represented.

Mr. BARNES. There was at one time when the Irishmen did the longshore work in this port; isn't that true? That is, largely?

Mr. WATSON. Largely; many years ago.

Mr. BARNES. Eighty or ninety per cent?

Mr. WATSON. Yes, sir; possibly.

Mr. BARNES. There has been in the years, about 15 years, a gradual coming in of those other races?

Mr. WATSON. Yes, sir.

Mr. BARNES. Do you think that has lowered the standard of the men? Are there as good people; is there as good a class of men to-day?

Mr. WATSON. No, sir; I don't think the longshoremen of to-day are as good as they were 20 years ago, or even 10.

Mr. BARNES. How do you think that has come about?

Mr. WATSON. Well, with the other nationalities there were more white men or more Irishmen, which was a better class of labor. There are a lot of Italians employed now, and they are not as good workingmen as the Irishmen or Germans.

Mr. BARNES. I know the name on the water front; a white man is not an Italian?

Mr. WATSON. That is the idea; or a Polak.

Mr. BARNES. In other words, you may employ seven gangs of white men and one gang of Italians on a ship?

Mr. WATSON. Yes, sir.

Mr. BARNES. That is the way you express it, is it?

Mr. WATSON. Yes, sir.

Mr. BARNES. I wanted to make it clear, because that term probably will be used again.

Mr. WATSON. Yes, sir.

Mr. BARNES. The men receive the rate of wage of 33 cents an hour and 50 cents for night work?

Mr. WATSON. Thirty-three cents an hour for daywork, 50 cents an hour for night, 50 cents for meal hours, Sundays, the Fourth of July, or Christmas Day. That is the rate of the port of New York.

Mr. BARNES. That, of course, is a very good rate per hour. What do you consider is the average earnings of the longshoremen? In speaking of this I would like you to make your estimate on the Chelsea pier.

Mr. WATSON. I should think \$15 a week.

Mr. BARNES. Fifteen dollars a week on the Chelsea piers?

Mr. WATSON. On an average.

Mr. BARNES. What would you say it is when it was taking it the port over?

Mr. WATSON. Well, anywhere from \$10 to \$12, I should think.

Mr. BARNES. Anywhere from \$10 to \$12 for the whole body of men?

Mr. WATSON. Yes, sir; the year round.

Mr. BARNES. That includes, of course, every part of the port?

Mr. WATSON. Yes, sir.

Mr. BARNES. Is there a dull season in your work? I mean is there one or two months in the year in which there is less work?

Mr. WATSON. Oh, yes. In the European shipping probably from October to March we are very busy. And summer season they run rather light.

Mr. BARNES. In the summer season it runs light?

Mr. WATSON. Yes, sir.

Mr. BARNES. Before we leave the question of the men, Captain, I would like to ask you, you say this has been occasioned by the incoming of the foreigner, the Italian, does that mean he has come in because the Irishman went out, or did he force himself in? Is it a fact that the Irishman dropped out of this work?

Mr. WATSON. Probably, yes; getting better positions.

Mr. BARNES. Getting better positions?

Mr. WATSON. Yes, sir.

Mr. BARNES. Is it not a fact, and I am not speaking of your piers, but of the whole port, is it not a fact that the treatment accorded to the men is very bad? I mean in the manner of addressing them and directing them at their work, and so on. I will ask you to exclude your pier, for I have been there, and I understand about it. But about the other piers in the port as a whole?

Mr. WATSON. I think as a whole the men are treated very well; all classes of labor as longshoremen.

Mr. BARNES. As longshoremen?

Mr. WATSON. Yes, sir.

Mr. BARNES. You do not think that there is any use of them at any of the piers?

Mr. WATSON. There may be some, but as a whole what I know of them they are treated very well.

Mr. BARNES. And the question regarding hours of employing, hiring, and the conditions that obtain under that, you heard the first witness, is that true?

Mr. WATSON. Yes; that is quite true; but it is regulated according to arrival and sailing of the steamers, practically.

Mr. BARNES. In this book that I have referred to awhile ago, it is shown that the men are hired in Liverpool under a system there where they get more steady work, hired at 1 and 7 and 1. If a man is taken on at any time in the morning, or at any time in the afternoon, or whenever he goes on, he gets at least a half a day. If a foreman should find that he has miscalculated at 1 o'clock and send a man out to hunt up these men at 1 o'clock and then takes them out, they get half a day, or if they start at 3 o'clock in the afternoon. Also if through some emergency they start at 7 o'clock and are thrown out at 9, they still get half a day. Would that be possible here?

Mr. WATSON. No, sir; I don't think it would be practical here.

Mr. BARNES. What difference is there in the work in Liverpool and New York that would make it impossible?

Mr. WATSON. Well, I am not familiar with the work in Liverpool any more than that there are regular docks there, whereas in the port of New York it is spread all over Jersey City, Brooklyn, New York water fronts, Staten Island, and it is very varied entirely.

Mr. BARNES. Now, Capt. Watson, in simply visiting on the piers, I have heard the foremen boast that they could lay out the work—that is, the cargo—on the pier in such a manner that they could tell within a cubic yard just how much of that would go in the hold on a vessel. Is that true?

Mr. WATSON. Yes, sir; the foremen are familiar.

Mr. BARNES. They are familiar?

Mr. WATSON. Yes.

Mr. BARNES. Know just where it will go and all about it?

Mr. WATSON. Yes.

Mr. BARNES. Would it be possible for a foreman, with that large knowledge, to increase his knowledge a little further and calculate just how many men it would take to do that work and how long?

Mr. WATSON. Well, if he could depend upon the arrival of the steamers; if he had a steamer and could depend on just so many hours to work and had these hours to work that ship, yes; otherwise no.

Mr. BARNES. Otherwise no?

Mr. WATSON. No.

Mr. BARNES. In other words, you mean that after the ship is in there is a possibility of that sort of thing?

Mr. WATSON. Oh, yes.

Mr. BARNES. That does not obtain to-day, does it?

Mr. WATSON. No.

Mr. BARNES. Men are hired for an hour. They work them an hour and lay them off, and tell them to stay about and not go away; that is true, isn't it?

Mr. WATSON. That is quite right.

Mr. BARNES. Where do those men really go? They are not allowed to stay on the pier, are they?

Mr. WATSON. No; only when they are working?

Mr. BARNES. Where do those men go, from your knowledge?

Mr. WATSON. If they live conveniently to the pier, possibly they go home; if they don't, they stay around the river fronts wherever they congregate, or maybe a saloon, maybe a cigar store, maybe a longshoremen's rest, as we have one up there.

Mr. BARNES. During rainy and sleeting or stormy or hot weather?

Mr. WATSON. Yes.

Mr. BARNES. As they express it, they duck for some place?

Mr. WATSON. Yes; find a shelter.

Mr. BARNES. You say this method that I spoke of is not practical. You mean by that that the company would sometimes have to hire a lot of men and keep them waiting a while; is that what you mean?

Mr. WATSON. No; I don't mean that.

Mr. BARNES. What, then?

Mr. WATSON. I mean the arrival and sailing of steamers?

Mr. BARNES. Well, for instance, the wireless announcements are put on your bulletin board that steamship so-and-so is due at 9 o'clock?

Mr. WATSON. Yes.

Mr. BARNES. Now, you expect her, of course, that night?

Mr. WATSON. Yes; we expect her then.

Mr. BARNES. There are many slips between that and——

Mr. WATSON. Oh, yes; the steamer may be held at Quarantine, for instance, a few hours.

Mr. BARNES. Well, the men know they have to wait there all that time, don't they?

Mr. WATSON. Yes.

Mr. BARNES. And the men are waiting there on their own time?

Mr. WATSON. Yes.

Mr. BARNES. If the company hired them at the time the vessel was expected, then you would either have to find work for them to do or else they would be on your time?

Mr. WATSON. Quite right.

Mr. BARNES. Do you believe the statement made by the other witness, that there is some point of rotation in giving out work so that there is a reserve force kept?

Mr. WATSON. Well, on the river front the men go from pier to pier. They ain't confined to one dock or two docks or three docks; they go wherever they get the most work. For instance, if they have got more work on one pier, they shape there, as they call it, and wait for that steamer. If they find they make a better week's wages on the next pier they will go there and wait for that work, and so on. The longshoreman is just like anyone else, he goes where he makes the best week's wages.

Mr. BARNES. Don't you believe that the casualness of the work, the fact that the men have to do this depressing waiting along the water front, and they are afraid to go anywhere else, when they have an hour or two, don't you believe it has a bad effect on the men? I am not speaking about the saloon at all. Of course, there can be no question of that. I am speaking about the fact of getting the men in that casual habit, isn't it true that it has a bad effect and is a bad thing for the men?

Mr. WATSON. The waiting time?

Mr. BARNES. Yes.

Mr. WATSON. Yes.

Mr. BARNES. For instance, the foreman calls in three or four gangs or half a dozen gangs, and he finds after a few hours that he will not need them for another hour or two, and he can not tell, he does not calculate, but he just simply puts them off, and then they wait around; that is, the men have to keep pretty close.

Mr. WATSON. Well, they calculate on being used when he orders them.

Mr. BARNES. They have to be there when he orders them?

Mr. WATSON. That is right.

Mr. BARNES. Isn't it the fact that that sort of waiting, and it does occur very frequently——

Mr. WATSON (interrupting). Yes.

Mr. BARNES. Isn't it the fact that that sort of waiting has a bad effect on the men?

Mr. WATSON. Well, I should think so. Yes; it does. It all depends on where they wait and how long they have to wait, of course.

Mr. BARNES. Would it be better if the steamship companies looking a little in the future had attempted to make the work less casual? In other words, to make the work more attractive for a better class of men? Now, I want you in answering this to exclude one or two of your piers, because you have kept to your regular work and a lot of men are attached to you, and you do have possibly the best class of men in the port. Now, taking it as a whole, the fact the men have this waiting to do, and taking it as a whole, would it not be better for the port of New York and the steamship companies in this port if some attempt should be made to make the work less casual?

Mr. WATSON. Well, I don't know how you would get about it.

Mr. BARNES. I am not asking that. I am going to ask you that directly. I ask you would not it be a good thing if it could be done?

Mr. WATSON. It might be a benefit to the men. Yes; it might be a benefit to the men if the work was so arranged that they would just know the hour to come to work and to leave.

Mr. BARNES. And it would give you in this way a better class of workmen to do your work?

Mr. WATSON. That I would not say, because the better class of men, you must regulate by the money he makes. It would make no difference what class of men was around, there is some schemers in some piers who only make a few hours, and others make a week's wages. It is a hard thing to regulate.

Mr. BARNES. A hard thing to regulate?

Mr. WATSON. Yes.

Mr. BARNES. Now, I want to ask you this question: If you have any idea how it could be done?

Mr. WATSON. I haven't under existing conditions.

Mr. BARNES. Isn't it a fact, however, Capt. Watson, that nobody has ever had to think about it?

Mr. WATSON. Not to my knowledge.

Mr. BARNES. The question never has arisen here?

Mr. WATSON. Not to my knowledge.

Mr. BARNES. The men have been glad to get what they could, and the companies have given them what work they had in this odd-shifting manner, and no one has ever attempted to think out a scheme whereby it might be made less casual, is that true?

Mr. WATSON. No; I don't know of any scheme or any proposition that was ever put forward with that end in view.

Mr. BARNES. Haven't you any suggestions at all whereby the present condition of things could be changed so that there might be an outlook for making it less casual?

Mr. WATSON. No, sir.

Mr. BARNES. What are the conditions that could not be changed?

Mr. WATSON. Well, conditions could be changed, but I haven't any suggestions to make to change them.

Mr. BARNES. You haven't any suggestions to make?

Mr. WATSON. No.

Mr. BARNES. Of course, Captain, if that could be done in Liverpool, to a greater or lesser extent, it could be done here. I mean, there isn't such a vital difference between the work?

Mr. WATSON. Yes; there is a vital difference between the work—a vital difference in steamers.

Mr. BARNES. What are the conditions that, if a change was made, would bring about better working conditions in the work?

Mr. WATSON. I could not say that.

Mr. BARNES. You could not say that?

Mr. WATSON. No.

Mr. BARNES. This is a question that I will ask you: Do you believe that it would be as fair to the companies to ask the steamship companies to bear a part of this waiting time that has to be done as to ask the men to bear it all?

Mr. WATSON. Well, the steamship companies hasn't got the control of the arrival of the vessels very well. They are held up in different ways. A steamer gets into port and a fog sets in, and she may have to lay there half a day, and it would not be fair to the steamships to hire the men and keep the men waiting until she arrived.

Mr. BARNES. Did you ever conceive of hiring men by the week?

Mr. WATSON. We have at the present time what we call utility men employed by the week, but not doing regular longshore work.

Mr. BARNES. Did you ever conceive of employing men by the work?

Mr. WATSON. They have done it on different piers years ago, but at the present time, no; and we don't do it. The work is too irregular.

Mr. BARNES. Isn't it a fact that at one time you proposed to the men a weekly wage?

Mr. WATSON. Not to my knowledge. We have weekly checkers, but not weekly longshoremen.

Mr. BARNES. You never proposed a weekly wage to longshoremen?

Mr. WATSON. No.

Mr. BARNES. The Cunard Co. for 15 or 20 years had men employed by the week, in years gone by?

Mr. WATSON. Yes, sir; it did.

Mr. BARNES. Do you understand why that was discontinued?

Mr. WATSON. No; I do not.

Mr. BARNES. Now, Captain, is it true what this first witness stated about these long hours. You do sometimes work men 28 or 32 hours on a stretch?

Mr. WATSON. Oh, yes; we work very often long hours.

Mr. BARNES. What is your reason for keeping the same men engaged as high as 28 or 32 hours?

Mr. WATSON. Well, as a rule, the men—the steamer arrives and she had 40 hours in port, or she has 30 hours in port, and the men see fit they work the 30 hours. They are employed for 30 hours.

Mr. BARNES. Continuously?

Mr. WATSON. Continuously. If they see fit to work. They are not compelled to.

Mr. BARNES. No; certainly. But still, if a man drops out of his gang the foreman would not like it; if a man dropped out of his gang because he was tired working?

Mr. WATSON. If he is a good workman he will always get work. The foreman will give him work. They take the best men, as a rule.

Mr. BARNES. They take the best men—that is, the ones who could stand 40 hours?

Mr. WATSON. Yes.

Mr. BARNES. Why, at the end of 20 hours, should not the foreman shift gangs and employ fresh men?

Mr. WATSON. As a rule, they do; very often they do.

Mr. BARNES. Why should they ever not do it?

Mr. WATSON. Oh, no reason; no reason.

Mr. BARNES. Just a habit?

Mr. WATSON. No more than they have been accustomed to do it.

Mr. BARNES. Just a custom?

Mr. WATSON. Yes.

Mr. BARNES. A custom that has sprung up?

Mr. WATSON. Yes.

Mr. BARNES. So that it has kept up. That is as far as I could discover. I tried for quite a while to find why the foreman would do that, and I think it comes down to the fact it is just a custom.

Mr. WATSON. Well, the men work themselves as a rule because they probably would be lying around two or three days, and they make all the money they possibly can while the steamer is here.

Mr. BARNES. Do you regard longshore work as skilled or unskilled work?

Mr. WATSON. Skilled, in many cases; yes.

Mr. BARNES. Skilled?

Mr. WATSON. Yes.

Mr. BARNES. Could you take a set of men however highly skilled, structural ironworkers or mechanics or what not, men who were quite highly skilled, and put them in the hold of a vessel and load that vessel properly with that crew the first time they ever saw it?

Mr. WATSON. No; not if it was not under the supervision of a skilled man or foreman, not to stow a steamer to carry to Europe.

Mr. BARNES. You pay your men the same per hour regardless of whether they work on the pier or in the hold?

Mr. WATSON. Yes, sir; all paid the same rate of wages.

Mr. BARNES. Now, Captain, your Pier 60 is the best pier in the port. That one, I understand, by the men seems to be regarded, Pier 60, as the best. What sort of accommodations have you there for giving aid to the injured?

Mr. WATSON. The only accommodations we have, we have a waiting room where if a man is injured he is taken there and an ambulance called.

Mr. BARNES. I beg your pardon.

Mr. WATSON. I say the only accommodations we have got if a man is injured he is taken on a stretcher to this waiting room and an ambulance called from a hospital.

Mr. BARNES. You haven't any way—

Mr. WATSON (interrupting). Or if it was on the steamer we get the steamer's doctor.

Mr. BARNES. If the doctor happens to be there?

Mr. WATSON. Yes.

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Mr. BARNES. You heard what the witness just before you said about this cabinet?

Mr. WATSON. Yes, sir.

Mr. BARNES. That was furnished by the longshoremen?

Mr. WATSON. They have one there; yes, sir.

Mr. BARNES. Now, Captain, isn't it true that while on your pier you may carry them on stretchers; don't very bad conditions obtain in some other piers? Isn't that a fact? Aren't men laid out on gunny sacks and floors of the piers waiting for the ambulance?

Mr. WATSON. Well, of course, there is some piers have better accommodations than others, but the regular liners, as a rule, have them.

Mr. BARNES. But you haven't any specific place?

Mr. WATSON. No specific place.

Mr. BARNES. Did you ever hear of this bill which was introduced in the legislature requiring it?

Mr. WATSON. No, sir; I did not.

Mr. BARNES. I didn't know. That never reached the public, I guess. Are there many accidents in longshore work?

Mr. WATSON. Well, there is quite a good many of a minor nature. There isn't very many serious accidents.

Mr. BARNES. You insure yourself in the employers' liabilities companies, have you, heretofore?

Mr. WATSON. Yes.

Mr. BARNES. You are now?

Mr. WATSON. Yes.

Mr. BARNES. Do you know what you pay; you, personally, I mean, per \$1,000 or \$5,000 per pay roll?

Mr. WATSON. To an injured person?

Mr. BARNES. No; I mean what do you pay the employers' liabilities companies? What do you pay?

Mr. WATSON. I don't know that.

Mr. BARNES. You don't know that?

Mr. WATSON. No.

Mr. BARNES. In the employers' liability rates, Captain, the same sum is charged on \$5,000 of a pay roll for longshoremen as it is for miners, coal miners. Do you believe that longshore work is as hazardous as coal mining, or do you know about that?

Mr. WATSON. I am not familiar with coal mining. A longshoreman sees everything he is working at, and sees what he is handling, and knows what he is handling. If he is working nights, he has plenty of light to see what he is doing.

Mr. BARNES. Is it true that he does see? I mean, isn't that subject to a little exception, and that is this, down in the hold of many vessels; I am speaking of the hold only. Isn't it a fact that he often works in very dark places?

Mr. WATSON. Well, it may be possible in some steamers, but as to the regular liners to-day it is not necessary. They have plenty of lights.

Mr. BARNES. The vessels are lighted by electricity, do you mean?

Mr. WATSON. Yes.

Mr. BARNES. Don't most of the accidents occur in the hold?

Mr. WATSON. Oh, no.

Mr. BARNES. Where are the accidents, on deck or on the pier?

Mr. WATSON. I would not like to say any proportion. They are liable to occur anywhere. Probably in the hold or on the deck of the steamer or on the dock.

Mr. BARNES. You have never heard any comparison made, have you, about the risk of the work?

Mr. WATSON. No, sir.

Mr. BARNES. Longshore work, regarding injuries?

Mr. WATSON. No.

Mr. BARNES. Is there any more danger in one part of the work than in another? I mean by that, don't you believe that it is more dangerous in the hold than on the pier, for instance?

Mr. WATSON. No, I don't. If men are working underneath in the square of a hatch, or underneath cargo when getting down or going up, it is more dangerous; if they are working underneath the combers of the hatch, there is less danger.

Mr. BARNES. Who looks after your gear?

Mr. WATSON. The storekeeper and assistant on each pier.

Mr. BARNES. He is responsible for it?

Mr. WATSON. He examines all gear before it goes out of the storeroom.

Mr. BARNES. Is there such a system as that all over the port?

Mr. WATSON. The regular liners; yes.

Mr. BARNES. They have a regular inspector?

Mr. WATSON. No; we have a storekeeper.

Mr. BARNES. You mean each one has a storekeeper?

Mr. WATSON. And an assistant storekeeper. Take our five piers, we have a storekeeper and assistant on each pier that examines all gear before it leaves the storeroom.

Mr. BARNES. Do many of your accidents occur through defective gear?

Mr. WATSON. Some.

Mr. BARNES. In spite of your good inspection some occur?

Mr. WATSON. Some.

Mr. BARNES. In spite of your good inspection some occur?

Mr. WATSON. Yes; in spite of our precaution.

Mr. BARNES. Then on piers that do not have as good an inspection as your piers the danger would be increased?

Mr. WATSON. Yes; if the gear was not thoroughly inspected and looked after by the foreman.

Mr. BARNES. What do you think, Captain, of outside inspection? Would you be in favor of inspection, say, by the State, the same as factory inspection?

Mr. WATSON. No, sir.

Mr. BARNES. What would be your objection to it?

Mr. WATSON. Because the man that is working with the gear and handling the gear is better familiar to know what that gear will do. For instance, rope or any other gear. The companies examine and look after all gears. In the line of chains or ironwork, it is sent and annealed and tested twice a year.

Mr. BARNES. Yes. You think, then, that it would not be a good thing to have outside inspection?

Mr. WATSON. No.

Mr. BARNES. Isn't it a fact that on some piers the men do not dare, unless a thing is very dark, call attention to it?

Mr. WATSON. No; I don't know of any piers that such conditions exist on. The men in charge of the hatch, and the foreman, and any other men working under him, has that privilege, so far as my knowledge. If they see anything defective, or find it, they call the attention of the foreman to it, or the stevedore, or whichever it may be.

Mr. BARNES. What about compensation paid to men when they are hurt. Do you know anything about that, or does that come under the employers' liability companies?

Mr. WATSON. That goes to our lawyer, who attends to that end of it.

Mr. BARNES. As a workman, and as a man who knows this business, do you believe the compensation act has paid the men well?

Mr. WATSON. I would not like to say that.

Mr. BARNES. Where a man is laid up a week or two he very rarely gets anything, does he?

Mr. WATSON. It depends on the nature of the accident and how it happened; if the company is liable, yes.

Mr. BARNES. Isn't it a fact that on all those piers you have mentioned as the better class ones that the men themselves take up collections for the hurt men?

Mr. WATSON. Oh, yes.

Mr. BARNES. That is almost a regular thing every Saturday?

Mr. WATSON. Yes.

Mr. BARNES. The men go on a list, and they then take up for one or two men?

Mr. WATSON. Yes.

Mr. BARNES. And the next Saturday for the next men, and so on?

Mr. WATSON. Yes.

Mr. BARNES. They do that as a sort of insurance against accident for themselves?

Mr. WATSON. The men do it of their own free will.

Mr. BARNES. Their own free will?

Mr. WATSON. Yes. Possibly the men getting the collection has got compensation from the company also.

Mr. BARNES. Does the company ever contribute to this fund?

Mr. WATSON. No more than it pays the two men that collect, and the two longshoremen appointed to take up the collections are paid by the company.

Mr. BARNES. Are there any other, or is the collection taken up from the longshoremen on the piers to go to the hospitals?

Mr. WATSON. Sometimes they used to about Christmas time, for instance, or New Year's time they have a collection for hospitals.

Mr. BARNES. The men chip in themselves to make up this fund?

Mr. WATSON. Yes.

Mr. BARNES. How about diseases among the longshoremen? Are you acquainted with the particular diseases that they suffer from?

Mr. WATSON. No, sir; I am not.

Mr. BARNES. What do you believe is the disease that stands out in your mind as common among them?

Mr. WATSON. I would not like to say that I really know that.

Mr. BARNES. Now, you are assistant superintendent, Captain. In Saturday's Times—the Daily New York Times—there is a little account of the Cunard boats arriving, and, speaking about it and among other things, they say that New York's high place as a port is more a matter of natural advantages than of judicious development. In no port of the New York class are port facilities worse organized. Do you believe that is true?

Mr. WATSON. No; I would not like to say it is.

Mr. BARNES (reading):

"Nowhere is there such a lack of mechanism for economy and efficiency in handling cargoes."

Do you believe that is true?

Mr. WATSON. No; I don't believe it is.

Mr. BARNES. You don't think it is true?

Mr. WATSON. No, sir.

Mr. BARNES. Do you know anything about the port of Hamburg?

Mr. WATSON. No, sir.

Mr. BARNES. Do you know anything about any of the English ports—Liverpool, etc.?

Mr. WATSON. No, sir.

Mr. BARNES. Don't you know that in spite of the natural advantages of New York that the port of Hamburg has as big a commerce as this port?

Mr. WATSON. No; I don't know.

Mr. BARNES. Do you know anything about the mechanical devices for handling cargoes?

Mr. WATSON. No, sir.

Mr. BARNES. When you say that this is untrue, it is because you lack a knowledge of some of the continental and English ports?

Mr. WATSON. Yes; I admit.

Mr. BARNES. I wanted to find that out.

Mr. WATSON. I know only what our own facilities are here.

Mr. BARNES. I beg your pardon, Capt. Watson. I did not mean to make that a catch. I thought perhaps that you did have some acquaintance with the numerous devices they have, for instance, for handling cargo.

Mr. WATSON. No.

Mr. BARNES. Now, Captain, while on the foreign subject will you tell me—name some of the vital differences between this port and Liverpool? You said there were vital differences. Name some of them.

Mr. WATSON. Well, in Liverpool the steamers go into locks, for instance. They remain there on tides, which, I think, is the reason that they have an opportunity to hire the men and employ their labor at certain hours. For instance, a steamer goes into the lock at 6 o'clock in the morning and they know she won't leave until 4 in the afternoon, or vice versa. Probably that would have something to do with it.

Mr. BARNES. Is that same knowledge obtainable right here?

Mr. WATSON. No. The steamers can arrive here at any time or any hour. Tides haven't any effect. It is an open port. They can come in and dock at any time.

Mr. BARNES. Now, you mean that that is a difference in the possibility of hiring men and employing men. You are only speaking, then, of the beginning of the hiring?

Mr. WATSON. Yes.

Mr. BARNES. You are not speaking of the carrying of it out after the ship has started?

Mr. WATSON. No.

Mr. BARNES. Then there is a probability after the ship is once docked and work commenced—there is a possibility of the Liverpool scheme obtaining?

Mr. WATSON. There is a possibility; yes.

Mr. BARNES. That is all.

Chairman WALSH. Mr. Garretson would like to ask some questions.

Commissioner GARRETSON. Capt. Watson, you just said that you weren't familiar with the devices that were either available or in use or in vogue for purposes of either safety, economy, or efficiency in the various localities outside of New York. You know nothing of them?

Mr. WATSON. I don't know anything about them, sir.

Commissioner GARRETSON. If a man appeared before you as a candidate for foreman who did not know anything about the requirements of a foreman's business, would you hire him?

Mr. WATSON. No, sir; not unless we would give him a trial, and his appearance.

Commissioner GARRETSON. Isn't it part of the business of the superintendent of a dock to know whether different things are desirable or undesirable, so he can render a report on them to his superior if necessary?

Mr. WATSON. As a rule, we make our foremen, and we do not take a stranger in and put him over men unless we know his qualifications.

Commissioner GARRETSON. You know that he has the qualifications before you use him?

Mr. WATSON. Yes.

Commissioner GARRETSON. He is not ignorant of the things that apply to his business?

Mr. WATSON. No, sir.

Commissioner GARRETSON. You say that a foreman at the hatch—

Mr. WATSON (interrupting). Yes.

Commissioner GARRETSON. Is privileged to call attention to defects in the gears?

Mr. WATSON. Certainly.

Commissioner GARRETSON. Hasn't every man whose safety is dependent on the gear the inherent right, not privilege, to call attention to defects in gears?

Mr. WATSON. They certainly have, and we like them to do it, and they get the privilege.

Commissioner GARRETSON. What happens to the class of—you spoke about the foreman, or whoever is in charge of the job, usually taking the best man?

Mr. WATSON. Yes, sir.

Commissioner GARRETSON. What is your definition of man, the best beast of burden?

Mr. WATSON. No; the best workingman, as a rule.

Commissioner GARRETSON. The one that will work 30 hours, if need be, and don't find fault with things?

Mr. WATSON. No, sir.

Commissioner GARRETSON. And who carries the heaviest load?

Mr. WATSON. No, sir; the foreman takes his men, or the stevedores takes the men who work regularly with them.

Commissioner GARRETSON. On that basis?

Mr. WATSON. On that basis; a good workman.

Commissioner GARRETSON. That constitutes the basis for a good workman. In regards to speed, what happens to a man who puts safety ahead of speed?

Mr. WATSON. That is the first principle of the steamship company.

Commissioner GARRETSON. Speed?

Mr. WATSON. Safety; and that is the foreman's instructions; safety first.

Commissioner GARRETSON. I have heard that stated in regard to a good many pursuits, but the fact is that a man who puts safety ahead of speed don't last very long, does he?

Mr. WATSON. Well, we have our men many years to my knowledge.

Commissioner GARRETSON. Are they slow or fast?

Mr. WATSON. Well, we have all classes.

Commissioner GARRETSON. Well, the man who does not speed up, don't he get into the same class with the man who won't work, say, 30 hours, the man that criticises the gear, and the man who demands the rest period?

Mr. WATSON. Not necessarily?

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Commissioner GARRETSON. Don't those men get to constitute the reserve instead of what might be called the active force?

Mr. WATSON. No; not necessarily.

Commissioner GARRETSON. In regard to this waiting, you spoke of the fact that there is many a slip between the time the ship is reported to arrive and the time she docks and is ready for the business?

Mr. WATSON. Yes, sir.

Commissioner GARRETSON. Is there any real reason why these dock laborers should bear the whole expense of those delays and the employer bear none of them?

Mr. WATSON. Well, as a rule, a steamer leaves Quarantine at 10 o'clock, we will say, to-day, and the stevedore hires the men at half past 10, half an hour after the steamer leaves Quarantine. She is supposed to dock in an hour; that is the regular-run period. If it is two hours after, the men get that time in. The men employed are paid while they are hired and come inside of the pier gates.

Commissioner GARRETSON. But there is in every instance—unless the foreman has made the mistake of hiring his men ahead of time—the man bears the whole burden and the company bears nothing?

Mr. WATSON. The men are employed—they do not have to bear the burden if they are employed.

Commissioner GARRETSON. No; but they are waiting—

Mr. WATSON (interrupting). Their waiting time they bear the burden.

Commissioner GARRETSON. Are you aware of the fact—you stated that you did not consider it practicable to put in the method that obtains in Liverpool of hiring the men with a half-day minimum; that it was not practicable here. What is your idea of practicability? You mean it would cost the company money?

Mr. WATSON. Now, the various arrivals of the steamers—coming in at 10 o'clock, 11 o'clock, and 9 o'clock—make it impracticable.

Commissioner GARRETSON. Are the arrivals here more uncertain than in Liverpool?

Mr. WATSON. Steamers come in here at any time, but at Liverpool they don't; they know exactly when they arrive.

Commissioner GARRETSON. I suppose you are aware of the fact that all the railway tonnage arriving at New York, Baltimore, Boston, New Orleans, Frisco, and all the seaports is also handled by railway stevedores as well as by the longshoremen here?

Mr. WATSON. Certainly.

Commissioner GARRETSON. I suppose you are also aware of the fact that all of that business is handled by men under weekly or monthly wage?

Mr. WATSON. Well, not all of it; some of it the railroads do hire by the week.

Commissioner GARRETSON. All that is loaded by the railroad company is loaded by weekly or monthly men?

Mr. WATSON. All that is loaded by the railroad companies from our steamers are loaded by hourly men at any time on the docks.

Commissioner GARRETSON. Yes; but for the time off the dock, that is done by weekly men?

Mr. WATSON. That I couldn't say.

Commissioner GARRETSON. The railroad companies simply avail themselves, perhaps, here of the fact that they can get men here at the dockage point?

Mr. WATSON. Yes.

Commissioner GARRETSON. But at all other points it is done by regular employees, is it not?

Mr. WATSON. That I don't know.

Commissioner GARRETSON. Do you believe the employer in his capacity is under any moral obligation either to his employees or the public or the State, or whatever name is given to it—whatever?

Mr. WATSON. Under any obligation?

Commissioner GARRETSON. Under any moral obligation?

Mr. WATSON. Yes, sir—

Commissioner GARRETSON (interrupting). For the employee's performance of his duty of that employee for the best interests of all?

Mr. WATSON. Yes, they are; the company is obligated to that.

Commissioner GARRETSON. Not only for the best interests of the employee but for the best interests of the State?

Mr. WATSON. Yes, sir.

Commissioner GARRETSON. You stated your belief was that the men would not average \$15 a week?

Mr. WATSON. To the best of my knowledge, I think they would.

Commissioner GARRETSON. Is that founded on the fact that the companies on the piers pay out an average of \$15 per week?

Mr. WATSON. Well, now, on our pier—

Commissioner GARRETSON (interrupting). Your own pier, I understand, is better administered than a good many here?

Mr. WATSON. Yes, sir.

Commissioner GARRETSON. I am speaking of the general piers.

Mr. WATSON. In general, in my estimation, I should not think it would be any more than \$15 a week.

Commissioner GARRETSON. Well, now, is it paid to the same men for all the weeks? For instance, if you paid \$1,500 out, you have paid an average of \$15 per week to a hundred men; but did 100 men draw that amount, or did 120 or 150?

Mr. WATSON. It might be 150.

Commissioner GARRETSON. Therefore the average of what you paid is what the company pay instead of what the individual man receives?

Mr. WATSON. Yes, sir.

Commissioner GARRETSON. And if there is one-half as many more men every day available and regularly working in the different gangs or shapes, it might readily be that instead of the individual getting that, that while the company pays that on an average, \$15 a week, to a certain number of men, the men actually get only an average of \$10 per week as earnings?

Mr. WATSON. Well, on the best run of piers they would average \$15 a week.

Commissioner GARRETSON. But you think it very possible it would not as a whole?

Mr. WATSON. As a whole, I should not think it would.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner LENNON. I want to ask just one question.

Chairman WALSH. Commissioner Lennon will inquire of you, Mr. Watson.

Commissioner LENNON. Captain, you heard the previous witness, Mr. Riley, when he stated about the men's capacity to carry?

Mr. WATSON. Yes, sir.

Commissioner LENNON. In your experience, is that correct, that a man will carry 250 pounds, or about that?

Mr. WATSON. Well, as a rule, in my own experience, a man does carry a bag of flour. That is carried, and flour runs 140 pounds to the bag, and what we call double bags, 280 pounds. That would be probably the average of what a man would carry if he is carrying bag flour. Coffee is lighter and sugar is still heavier; but, as a rule, in handling sugar it is seldom carried unless from the dock to the steamer—what we call floored off, rolled down and floored off.

Commissioner LENNON. How long will a man be able to keep up that kind of work—carrying 280 pounds?

Mr. WATSON. Well, I have known men to work 15 hours.

Commissioner LENNON. And it really means that he is going and coming and getting his load on and unloading? Is he half of the time with his load on his back, or a third of the time?

Mr. WATSON. Well, flour is hoisted into the steamer in what we call drafts, in large bags. There would probably be six bags to the draft—that is, 280 pounds to the bag; and then the men in the hold—only one-half of those men were working to take away that draft. The next draft that would come in the other half would work. That way, possibly, they would average half time.

Commissioner LENNON. You mean, be loaded half of the time?

Mr. WATSON. They would be working half of the time in that class of load, say, carrying 280 pounds.

Commissioner LENNON. You say that sometimes men work 20 or 30 hours continuously? How long after they started would it be before you would give them some time for lunch?

Mr. WATSON. Every five hours.

Commissioner LENNON. How much time do they have for their lunch?

Mr. WATSON. One hour.

Commissioner LENNON. One hour?

Mr. WATSON. Yes, sir; from 7 to 12; 1 to 6; and 7 to 12 again, with one hour meal time.

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Commissioner LENNON. Will your company furnish the lunch or the men have to go out for it?

Mr. WATSON. The men go out and get their own lunch.

Commissioner GARRETSON. Are they paid for that hour?

Mr. WATSON. No, sir.

Commissioner WALSH. Mrs. Harriman, have you anything you would like to ask?

Commissioner HARRIMAN. Capt. Watson, what do you consider the worst evil confronting the longshoreman?

Mr. WATSON. Drink.

Commissioner HARRIMAN. I mean in the conditions surrounding him in his work.

Mr. WATSON. Well, I should think that would be the greatest evil, the men drinking and boozing around in the different saloons along the water front. There are all kinds of inducements there for them, of course, if they accept it, and a good many of the men, instead of going home, if they have a home, would rather go into a saloon and have beer and sandwiches than to go home.

Commissioner HARRIMAN. Eliminating that, I mean what are the worst conditions surrounding the man in his work—for instance, long hours, or—

Mr. WATSON (interrupting). Well, they are all privileged characters; they are not forced to work; they work only when they want to, and as far as their hours are concerned, they control them themselves.

Commissioner HARRIMAN. That is all, Mr. Chairman.

Chairman WALSH. Did you desire to ask something, Mr. O'Connell?

Commissioner O'CONNELL. What is your company doing to lessen this booze craze?

Mr. WATSON. Well, anything we can do is done.

Commissioner O'CONNELL. For instance, have you a place where the men can go into that is furnished in some way, instead of going into a saloon, if it rains and storms?

Mr. WATSON. Nothing on the piers.

Commissioner O'CONNELL. You don't do anything to make the place pleasant for them?

Mr. WATSON. Nothing on the piers; they are only hired to work when they come on the pier.

Commissioner O'CONNELL. Then, outside if it rains or snows, they must seek a saloon as a place of shelter?

Mr. WATSON. Oh, yes.

Commissioner O'CONNELL. Or stand out in the snow and rain?

Mr. WATSON. Yes; no place provided to stay on the steamship piers for men to congregate.

Commissioner O'CONNELL. Can you blame men under these circumstances for seeking the most convenient places, which in this case is a saloon?

Mr. WATSON. Certainly not, if it is not convenient to their homes.

Commissioner O'CONNELL. So you say the company, so far as you know, are not doing anything to remove that kind of evil?

Mr. WATSON. No; they don't furnish any waiting rooms for the men, if they are on the piers.

Commissioner O'CONNELL. They must stay outside of the pier when they are not working?

Mr. WATSON. They are employed outside of the gate.

Commissioner O'CONNELL. And there is no shelter at all outside on the street?

Mr. WATSON. At present there is no shelter outside of the one Longshoremen's Rest in our section.

Commissioner O'CONNELL. It doesn't seem to be a situation that would encourage prohibition down there. [Laughter on the part of the audience.] That is all, Mr. Chairman.

Mr. BARNES. May I ask another question? How many piers do you say you have—58, 59, 60?

Mr. WATSON. And 61 and 62.

Mr. BARNES. Five piers?

Mr. WATSON. Yes, sir.

Mr. BARNES. About how many men would it take to do the work of those piers, on an average?

Mr. WATSON. Pier 58 would employ 300 a day, while working, and Pier 59 we will employ, say, 200; and Pier 60 we would employ anywhere from 350 up, according to the work that there is there; Pier 61, 150 men; and Pier 62, probably 75 men, on the work that is being done there.

Mr. BARNES. In other words, about 1,200 men on the five piers to do the work?

Mr. WATSON. Twelve hundred men would cover it under ordinary circumstances; yes, sir.

Mr. BARNES. About how many men are turned away from the shapes in front of the piers in each time; would you say as many turned away as taken on?

Mr. WATSON. Well, a good many men are turned away on the starting of a steamer. After the steamer is started and the regular gangs are made up and called in in regular gangs there are not so many turned away. But on the start, whenever a man looks to see who is hired and who is not, of course, a good many men are turned away, and there might be as many as 100 turned away; maybe 150; but I don't think there would be any more than that.

Mr. BARNES. One other question. Do any of the steamship companies contribute to the one rest or not?

Mr. WATSON. That I would not like to say; that is regulated from the downtown office; I don't know anything about that.

Mr. BARNES. You have on your piers a device known as a rapid transit or hurry-up, as the men call it?

Mr. WATSON. No; I don't know that we have anything more than the ordinary work.

Mr. BARNES. How many drafts are going up and down the hatchway on most of your ships?

Mr. WATSON. That depends on the size of the hatch the men are working; might be two gangs on the hatch and might be three; as a rule, only one.

Mr. BARNES. How many falls on it?

Mr. WATSON. One fall to each gang—if there are two gangs working.

Mr. BARNES. When the load comes up with one fall, is it not caught immediately by another fall and burdened across to the pier?

Mr. WATSON. Well, that is done on Pier 60, because—it is because or on account of the steamers being breasted off. One fall brings it up and the other sends it ashore.

Mr. BARNES. They call that the hurry-up or rapid transit, among the men?

Mr. WATSON. I don't know that it is. We employ a larger number of men in the gang doing that than the ordinary gang.

Mr. BARNES. Does that not increase the dangers?

Mr. WATSON. No, sir; it does not, because if a gang of men are working, the other one is not.

Mr. BARNES. Isn't it sometimes the case that you are loading and unloading at the same time?

Mr. WATSON. Yes, sir; probably the forward end of the hatch may be loading and the after end discharging.

Mr. BARNES. In looking over some documents back to 1910 I notice where the longshoremen attempted to form a rule that if the hatchway was less than 12 feet long there should be only one gang working in the hatchway. That is, there should not be alternate drafts going up and down.

Mr. WATSON. I never seen that rule there. As a rule, the hatches of our regular steamers are large.

Mr. BARNES. That rule was not carried out.

Mr. WATSON. I have never seen it applied.

Mr. BARNES. That is all.

Chairman WALSH. That is all, Captain; thank you.

Call your next.

TESTIMONY OF MR. F. W. RIDGWAY.

Mr. BARNES. Will you state to the commission your business?

Mr. RIDGWAY. Manager of the—manager and superintendent of the operating department of the International Mercantile Marine Co.

Mr. BARNES. How long have you been in this position?

Mr. RIDGWAY. In that particular position about three or four years.

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Mr. BARNES. What prior experience have you had with longshore work?

Mr. RIDGWAY. Well, I have been with the associated companies for 31 years.

Mr. BARNES. You know a good deal about the office work and all that?

Mr. RIDGWAY. Generally, in detail; yes, sir.

Mr. BARNES. Has this knowledge of the longshore work led you to be able to give an estimate of the number of longshoremen in port?

Mr. RIDGWAY. Well, no; I have never gone into that.

Mr. BARNES. Would you be willing to give an estimate—a vague idea?

Mr. RIDGWAY. Well, I think at best it would be only a guess; I have nothing to go on; I have never made up any figures of that description, so I could only guess at it.

Mr. BARNES. How about your knowledge of other ports, continental or English?

Mr. RIDGWAY. Well, only in a very general way.

Mr. BARNES. Do you know anything about Liverpool?

Mr. RIDGWAY. In what respect?

Mr. BARNES. In respect to the way the men are worked, as well as in respect to the devices for carrying on the work?

Mr. RIDGWAY. Well, I don't know the details of the way the men are worked there; but the devices, I believe, are substantially the same as we have here, except that they have the moving cranes on the dock.

Mr. BARNES. And how about Hamburg? Do you know anything about that port?

Mr. RIDGWAY. No; our steamers do not run there.

Mr. BARNES. You don't know anything about the dock arrangements there?

Mr. RIDGWAY. No.

Mr. BARNES. And could not make any comparison?

Mr. RIDGWAY. No; except I understand those are substantially the same in that respect as in Liverpool—that they have those moving cranes for doing that handling.

Mr. BARNES. Have you any such thing here?

Mr. RIDGWAY. Nothing in New York.

Mr. BARNES. No moving cranes, such as they have at Liverpool and other foreign ports?

Mr. RIDGWAY. No; there is no dock that I know of equipped that way.

Mr. BARNES. You have, no doubt, as you have gone along for years in the work, noted the class of men who are doing the work. Do you think there is as good a class of men doing the work to-day as formerly?

Mr. RIDGWAY. Well, I should say probably not quite as good.

Mr. BARNES. In other words, the men are deteriorating in their capacity?

Mr. RIDGWAY. Yes, sir.

Mr. BARNES. What about your rate paid to employers' liability companies; what rate do you pay?

Mr. RIDGWAY. We don't insure our risk here.

Mr. BARNES. What?

Mr. RIDGWAY. We do not insure our risk at New York.

Mr. BARNES. The International Mercantile Marine does not insure?

Mr. RIDGWAY. No, sir; we carry our own insurance.

Mr. BARNES. Do you know anything about the employers' liability rate? Did you have occasion to go into it to decide whether to carry it yourself or not?

Mr. RIDGWAY. You mean the new law which becomes effective the 1st of July?

Mr. BARNES. No; the employers' liability. Suppose five years ago you decided not to carry this risk and to place it with an employers' liability company. Have you had any occasion at any time to look up the employers' liability rates?

Mr. RIDGWAY. No; I never have.

Mr. BARNES. Why do you carry your own risk? Why do you find it better to carry your own risk than to give it over to a regular company?

Mr. RIDGWAY. Well, on general principles we have considered that probably it is the best thing to do.

Mr. BARNES. Well, why?

Mr. RIDGWAY. From what we have heard and from the experience of other people, we have assumed that the insurance companies would charge us more than we can carry on the claims.

Mr. BARNES. Do you have many accidents; I mean many reported accidents?

Mr. RIDGWAY. Well, there are a few minor accidents. I would not qualify it by the word many.

Mr. BARNES. There are a few minor accidents. How do the accidents come about, do you know, or are they all reported to you?

Mr. RIDGWAY. All the accidents are reported to us.

Mr. BARNES. That is all the accidents that the men make complaint about?

Mr. RIDGWAY. Well, we don't wait for the man to make a complaint. The accidents are reported when they occur.

Mr. BARNES. About what rate do you pay, for instance, say a man has a hurt that lays him up for three weeks, what do you pay?

Mr. RIDGWAY. We have no regular scale in settling claims of that kind. Each one has been dealt with entirely upon its own merits.

Mr. BARNES. For instance, if a man is laid up for six weeks entirely through the fault of the company, what would you pay?

Mr. RIDGWAY. Well, I think it would depend on the extent of his injuries and the circumstances of the case. The settlement in that case would probably be very near or approximately what he might have earned.

Mr. BARNES. Suppose he lost two fingers and was laid up six weeks, would you give him full wages for the six weeks?

Mr. RIDGWAY. I don't believe we would give him quite the same as his wages. Of course, we have never dealt with it on quite that basis—not exactly.

Mr. BARNES. Suppose a man is laid up six months—can you give us a specific instance of that kind? That is what I am trying to get at. Tell me some of the sums that you pay.

Mr. RIDGWAY. Well, they would range from \$25 to \$40 or \$50 or perhaps \$100 if the man was likely to be hurt longer than usual; but as a general thing they are paid about what their salary amounts to.

Mr. BARNES. As a general thing, about what the salary amounts to?

Mr. RIDGWAY. As a general thing; yes, sir.

Mr. BARNES. What devices do you have—do you have devices to protect the men?

Mr. RIDGWAY. In a general way; yes, sir.

Mr. BARNES. What devices do you have to protect the men?

Mr. RIDGWAY. In what way?

Mr. BARNES. Well, in a factory having an emery wheel they are required to have a hood over it, so that if it should explode a man will not be torn to pieces with the fragments.

Mr. RIDGWAY. Well, there is nothing that would be similar to that in longshore work. The hatches are protected, as far as it is possible to do so consistent with the work.

Mr. BARNES. There is a museum of safety here in New York at 29 West Thirty-ninth Street. Dr. Tolman, the director, told me there that he had no devices among the safety devices there for the protection of longshoremen. Do you know of any at all? Do you know that they have been overlooked?

Mr. RIDGWAY. I don't know of any special devices, no; I don't know how you could do very much more than that, because the hatches have got to be open when the cargo is being worked, and it would be impossible to protect them absolutely.

Mr. BARNES. Why is it the steamship companies have never contributed anything to the upkeep of this museum of safety?

Mr. RIDGWAY. I have never heard the question brought up.

Mr. BARNES. Now, around the winches there is constantly a quantity of oil; in what way do you protect the men from slipping?

Mr. RIDGWAY. Well, I could not speak from knowledge of all of the winches, but as a general thing my recollection is that the men stand on the wooden platform that is raised a few inches from the deck.

Mr. BARNES. Now, that gets covered with oil, does it not, and have you any devices to protect the men from slipping?

Mr. RIDGWAY. Yes, sir.

Mr. BARNES. You have stood around the winches?

Mr. RIDGWAY. Yes, sir.

Mr. BARNES. You know what danger a man would be exposed to if he should slip and get his arm caught in a turn of the fall or get caught in the revolving wheels of the winch?

Mr. RIDGWAY. Yes, sir.

Mr. BARNES. Now, do you have any devices at all or anything to protect the men from slipping in that oil?

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Mr. RIDGWAY. I don't know as far as the oil is concerned, but the winch itself is fairly well protected and, of course, the falls and all that is generally cased in, as far as it is possible to do so.

Mr. BARNES. Generally?

Mr. RIDGWAY. Generally.

Mr. BARNES. Do you know of any particular device as to that?

Mr. RIDGWAY. I can not say as to that oil; I think they have a platform generally, those that I have seen.

Mr. BARNES. I notice in this safety list a device called alundum. Do you know anything about that?

Mr. RIDGWAY. I never heard of it.

Mr. BARNES. What about safety hooks? That is where the cargo is hooked in, where the fall is hooked onto the sling. Are the hooks so that they could not bounce out if they struck against a rail or the hatch combing, or anything of that kind? Do you know anything about that?

Mr. RIDGWAY. We have a hook that has an extra part that falls into place; but the others are generally used. I can not recall any accident which has occurred in the manner you suggest.

Mr. BARNES. Now, Mr. Ridgway, how long have you been here? Did you hear Capt. Watson and the other witness?

Mr. RIDGWAY. Why, only the latter part, just a few moments.

Mr. BARNES. Do you know anything about the hiring of the men?

Mr. RIDGWAY. Only in a general way; of course those matters are all handled directly on the dock.

Mr. BARNES. Well, it would come within your knowledge, would it not? Did you hear the statement of the system of hiring the men at Liverpool?

Mr. RIDGWAY. No, sir.

Mr. BARNES. In Liverpool the men work nine hours and are hired at 1 and 7 again for night work, and a man that is taken on at any time is allowed half a day regardless of the time he is taken on or how long they work. Are you in a position to say whether that scheme would be practical here?

Mr. RIDGWAY. Well, it seems to me it would probably be difficult to accomplish at a port like New York, because the work is so scattered.

Mr. BARNES. Is the work scattered around some of the large European ports? Are not most of the European liners congregated at Chelsea piers?

Mr. RIDGWAY. Yes; that is very true at the Chelsea, but there are a large number of smaller boats and cargo boats that dock elsewhere.

Mr. BARNES. Give me some reason for thinking that it could not be carried on here if it can be carried on in Liverpool.

Mr. RIDGWAY. Well, it seems to me that the present practice, so far as New York is concerned, is the best for here.

Mr. BARNES. Why? Give us your reasons for that.

Mr. RIDGWAY. To begin with, the system in Liverpool is entirely different from here. The men are hired in a different way. They have a clearing house, and that clearing house, like a committee, as I understand it, handles all the men there, and they are apportioned to the steamers that are working according to the requirements of that particular day. I think it would be necessary to have a scheme of that kind before it could work out the other part of it. Nothing of that kind has ever been developed in New York.

Mr. BARNES. Do you state that just because it is different?

Mr. RIDGWAY. The details are different. I think you would have to start off with a different system.

Mr. BARNES. Has there ever been any discussion in your company, it being the largest here, of any way to raise the standard of men; or has there ever been any question brought up of how you might better the men's condition in the way of a waiting room; anything of that kind; has it ever been discussed?

Mr. RIDGWAY. No, sir; I don't think it ever has.

Mr. BARNES. Have you ever had the proposition up as to the erection of shelters or farms on your piers or in front of your piers? Has that ever come up?

Mr. RIDGWAY. No, sir.

Mr. BARNES. It is claimed that the men drink a great deal.

Mr. RIDGWAY. Well, that seems to be the general opinion.

Mr. BARNES. Let us grant for a moment that longshoremen drink more than other men. Can you give a reason for that?

Mr. RIDGWAY. No, sir; I don't know of any specific reason for it.

Mr. BARNES. Give us some general reason. Give me at least a vague idea of why you think longshoremen drink more than other workmen.

Mr. RIDGWAY. I don't know why they drink more than other workmen. I suppose their inclination lies in that direction. I don't know of any other reason.

Mr. BARNES. Why should it be peculiar to the longshoremen?

Mr. RIDGWAY. I don't know.

Mr. BARNES. You can not give any reason?

Mr. RIDGWAY. No, sir.

Mr. BARNES. Isn't it because of the casualness of the work, on account of the amount of waiting around and fatigue and the hours? Do you think that has anything to do with it?

Mr. RIDGWAY. I should not think so, unless the man was inclined in that direction to begin with.

Mr. BARNES. Don't you believe that if a man was not inclined in that direction, and he carried bags only weighing 180 pounds, not 350 or 250, for 15 hours, after he came off that toil and stepped out of the boat into a cold day, do you believe there would be any environmental condition that would call for a drink there?

Mr. RIDGWAY. Naturally there are plenty of allurements in that neighborhood to induce him to if he wants to.

Mr. BARNES. Are they there because they know where the trade is? Isn't that true?

Mr. RIDGWAY. Yes, sir; and I think you will find that is true in every city of the world.

Mr. BARNES. Along the water front?

Mr. RIDGWAY. Yes; it is not indigenous to New York.

Mr. BARNES. On account of the casualness of the work the world over the longshoreman has been rendered a drunkard?

Mr. RIDGWAY. I don't know whether you would put it on account of the casualness of the work or not, because a good man can always get enough to do along the dock. If one ship is finished up he can go to another dock in the neighborhood and get enough work to finish out the day, as a usual thing.

Mr. BARNES. Is that true? How often are the men hired throughout the day?

Mr. RIDGWAY. Probably between lunch and dinner hour not, but for the sake of the argument, if a ship had finished at 12 o'clock the chances are he would be able to get something when they turned to elsewhere at once.

Mr. BARNES. Do you think a longshoreman can go from pier to pier if he does not get employment; he can go there and get employment, and he need not lose any time?

Mr. RIDGWAY. He would not lose any time outside of his lunch. He would have his hour for that lunch.

Mr. BARNES. And the several hundred, and even thousands, of men you see loading up and down the water front, they are doing that because they want to?

Mr. RIDGWAY. That would not apply to all of them, because there would not be work enough on other steamers starting up between the regular hours to employ that number.

Mr. BARNES. What have your piers done in the way of fitting up a room for your first aid to injured?

Mr. RIDGWAY. We have no rooms.

Mr. BARNES. You have not?

Mr. RIDGWAY. No, sir.

Mr. BARNES. Do you know of any pier in the city of New York that has?

Mr. RIDGWAY. I don't know of any.

Mr. BARNES. What is done with a man—suppose a man has his leg broken; it takes from 20 minutes to half an hour before anything can be done. What is done during that hour?

Mr. RIDGWAY. If it was a serious accident the doctor of the ship would be called immediately and a man given what attention was necessary, and in the meanwhile they would ring an ambulance and have him taken to a hospital.

Mr. BARNES. Is a ship doctor always there when the ship is in port?

Mr. RIDGWAY. It is safe to say we probably always would have a ship in with a doctor on board; generally always, with very few exceptions.

Mr. BARNES. There would be exceptions?

Mr. RIDGWAY. Very few exceptions.

Mr. BARNES. When that doctor attempted to work with a man, where would he work with him, and what things would he have to use? What have you furnished in the way of appliances and things of that kind for the doctor to use?

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Mr. RIDGWAY. Why, he would be taken—there are different rooms all over the docks, and he would be taken probably to the nearest available room.

Mr. BARNES. What do you mean by the nearest available room?

Mr. RIDGWAY. One of the offices.

Mr. BARNES. In one of the offices?

Mr. RIDGWAY. Yes, sir.

Mr. BARNES. He would have to be laid on a floor or on a table—something of that kind?

Mr. RIDGWAY. I don't know about those difficulties, because I have never witnessed them myself.

Mr. BARNES. Is it not a fact that men are generally laid out on a stretcher in some few places, and at other places simply on gunny sacks, awaiting the ambulance?

Mr. RIDGWAY. I couldn't answer the question specifically, because I have never been there at that time.

Mr. BARNES. As I understood you to say a little while ago, the question of labor has never come up in your discussions?

Mr. RIDGWAY. No, sir.

Mr. BARNES. In any other way has there been any attempt to better the conditions of the men?

Mr. RIDGWAY. No, sir; not that I know of.

Mr. BARNES. Is it not the truth, Mr. Ridgway, that as far as the companies are looking after the men, or as far as anything that they do, or attempt to do, the on-shore work might be out in the lumber camps in Wisconsin or Minnesota?

Mr. RIDGWAY. Well, I don't quite follow that.

Mr. BARNES. Don't you hire the men when they come down there to you because they have to come to get the work, you work them, you do not provide them any place to hang up their hats or coats, no place for them to wash or drink, excepting the common water taps? Isn't that true?

Mr. RIDGWAY. That is right.

Mr. BARNES. That is true. You do not furnish any wash room or anything of that kind?

Mr. RIDGWAY. No, sir.

Mr. BARNES. Or any place to hang up a coat or hat? As soon as you are through with the men you turn them out into the farm again? In other words, you have no connection with the men except when they are at work?

Mr. RIDGWAY. Excepting during working times.

Mr. BARNES. And the idea is to get as much out of them as possible, and you have no other interest in them? Is that largely because you know that you can always have a reserve force of men?

Mr. RIDGWAY. Well, I don't think that there is always a reserve force of men there at our docks, because we have experienced great difficulty many times in securing as many men as we needed.

Mr. BARNES. Yet you have turned away as many as 150 to 200 men?

Mr. RIDGWAY. That would be at other times. The supply is a moving one, and there are probably times when we have more ships in than usual and there will be a shortage of men.

Mr. BARNES. Did you ever hear of a time when there was a scarcity of men?

Mr. RIDGWAY. Did I ever hear of it?

Mr. BARNES. Yes, sir.

Mr. RIDGWAY. I know we have had difficulty in securing as many men as we needed.

Mr. BARNES. At what pier?

Mr. RIDGWAY. What?

Mr. BARNES. What pier?

Mr. RIDGWAY. Pier 60 and Pier 59. I think at certain times that condition has prevailed to an extent on all of the piers.

Mr. BARNES. On all of the piers?

Mr. RIDGWAY. Yes, sir.

Mr. BARNES. You are stating this from your general knowledge of it?

Mr. RIDGWAY. Yes, sir. When we have had two steamers in port, one on each side of the dock, sometimes we have not had men enough to work them in full force.

Mr. BARNES. You spoke about the exchanges in Liverpool where men are hired. Would it be possible to have labor exchanges here?

Mr. RIDGWAY. I don't know that that question has ever been taken up.

Mr. BARNES. It has never been taken up much—

Mr. RIDGWAY. I suppose anything is possible, if you put it that way.

Mr. BARNES. Do you believe it is impractical?

Mr. RIDGWAY. I should think if the conditions are so entirely different in Liverpool from what they are in New York that it would be highly impractical.

Mr. BARNES. What is the difference?

Mr. RIDGWAY. The situation of the port, the places where the steamers dock, are so scattered, while in Liverpool they are fairly concentrated. The dock's port there run right along together, and the old lines all dock together there.

Mr. BARNES. Yet the water front in Liverpool is 12 miles?

Mr. RIDGWAY. Well, I don't think that that applies probably to all trades, although I don't know specifically.

Mr. BARNES. That is all, Mr. Ridgway.

Chairman WALSH. Mr. Garretson wants to ask you some questions.

Commissioner GARRETSON. In regard to underwriting the risk on your employees, is the reason that you underwrite your own risk, instead of utilizing the employers' liability companies—does that lie in the fact that you consider the rates of those companies prohibitive?

Mr. RIDGWAY. Well, we have considered it good business to do it.

Commissioner GARRETSON. In other words, you take the chances yourself, because the rates you have to pay are so high?

Mr. RIDGWAY. Well, that is practically it.

Commissioner GARRETSON. You say if a man lost two fingers and was away from work six weeks in consequence thereof you were not to pay him quite full time?

Mr. RIDGWAY. Probably not; but we have never dealt with those accidents on exactly that basis.

Commissioner GARRETSON. Going on that basis, taking it as an outline of your methods, if a man lost two fingers and lost six weeks before they were healed up, according to you against that you did not pay him full time, how much would he get for the fingers?

Mr. RIDGWAY. For the six weeks?

Commissioner GARRETSON. For the fingers?

Mr. RIDGWAY. If he were away for six weeks?

Commissioner GARRETSON. You say that you pay him a month of the time, then his loss was two weeks time and two fingers. You wonder that anarchists grow?

Mr. RIDGWAY. What?

Commissioner GARRETSON. Do you wonder that anarchists become plentiful? If you cut a man's head off, on the same basis of compensation, he would not lose any time, and you would not have to pay him anything?

Mr. RIDGWAY. No.

Commissioner GARRETSON. Make him die on his own time—like he waits for his work.

Mr. RIDGWAY. Each case is decided entirely on its own merits.

Commissioner GARRETSON. Where did the merit come in in that? That is what I would like to know.

Mr. RIDGWAY. There is really not—there has really been no basis for it; and that is the reason why the question you put is rather a hard one to answer.

Commissioner GARRETSON. Are you familiar with the text that is used by the legal profession in determining the amount of damage for the various classes of injuries that occur to workmen? Isn't it in every lawyer's office?

Mr. RIDGWAY. I presume it would be, but I have no knowledge on the subject.

Commissioner GARRETSON. Doesn't that furnish your basis for determination?

Mr. RIDGWAY. It has not with us.

Commissioner GARRETSON. Evidently it has not, on the illustration that is drawn. Do you consider that that is an equitable basis of settlement?

Mr. RIDGWAY. Well, I think probably if a man was not able to work for some little time after that that it would be more equitable to pay him a larger amount.

Commissioner GARRETSON. Oh, isn't that just such a method of procedure on the part of the employers; isn't that what is forcing the enactment of the class legislation that becomes effective in this State on the 1st day of July?

Mr. RIDGWAY. Well, I don't know. I couldn't answer that. We have always felt that we were dealing with the men very fairly.

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Commissioner GARRETSON. Fairly with the men?

Mr. RIDGWAY. Yes, sir.

Commissioner GARRETSON. He would lose two fingers, six weeks' time, and get four weeks; go right back to work and lose the next two fingers, lose six weeks, and get four weeks. Therefore, he would have lost four weeks and four fingers and have been a hopeless cripple, and you had turned him loose on society as a hopeless cripple, not recognizing your liability; is that it?

Mr. RIDGWAY. If he was able to work we would give him something to do. We have on our docks to-day quite a number of men who have been injured and not able to do heavy work that we have taken care of.

Commissioner GARRETSON. And if he suffered in that service a few more chip-pings he would then, under your system of assessment of damages against the company, when it gets down to where there was nothing left but the trunk, he would not have a dollar and he would have lost about one-third of the time that he had been recovering from his injuries?

Mr. RIDGWAY. A serious injury would be a different thing.

Commissioner GARRETSON. Is two fingers a serious injury to a man's earning capacity?

Mr. RIDGWAY. Yes, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Do you want to ask any questions, Mrs. Harriman?

Commissioner HARRIMAN. I want to ask one question.

Mr. RIDGWAY, do you consider the conditions surrounding the longshoreman as good as they should or could be, or as good as the companies can make them, or that it is necessary that the companies should make them, their working conditions?

Mr. RIDGWAY. Their working conditions? Well, I don't—I should think so, yes; we have always done everything that we could think of that would improve their condition. I don't know of anything to-day that could be done in that direction.

Commissioner HARRIMAN. Do you think with Capt. Watson, that the worst evil they have to contend with is the drinking habit?

Mr. RIDGWAY. I should think so, yes.

Commissioner HARRIMAN. You do?

Mr. RIDGWAY. Yes.

Commissioner HARRIMAN. You do not think there is any way that that could be met by the companies? Anything that they could do that would prevent going into the saloons, as the nearest shelter, when they are not on the jobs?

Mr. RIDGWAY. I really don't know what could be done to change that. If a man is still inclined, I think he would go anyway.

Commissioner HARRIMAN. That is all.

Commissioner O'CONNELL. If there was a comfortable place where they could find a place to lie down, or play cards, play checkers, would that help it?

Mr. RIDGWAY. There is a Longshoremen's Rest across the street.

Commissioner O'CONNELL. The company has nothing to do with that?

Mr. RIDGWAY. No; where they can go in and read papers and sit down and talk and rest.

Commissioner O'CONNELL. That is all I have.

Chairman WALSH. Have you observed the establishment of the Y. M. C. A. rooms at railroad centers throughout the United States where the men, when off from their employment, or desiring social intercourse with each other, can repair and have games and other amusements, diversions? Have you noticed that?

Mr. RIDGWAY. No, sir.

Chairman WALSH. Have the steamship companies paid any attention to that development?

Mr. RIDGWAY. I don't think so.

Chairman WALSH. Do you mean to say that if some such thing were established for longshoremen that you believe it would do them no good on account of their natural inclinations toward drink?

Mr. RIDGWAY. It might.

Chairman WALSH. But it has never been considered, as far as you know?

Mr. RIDGWAY. It has never been considered that I know of.

Chairman WALSH. That is all.

Commissioner O'CONNELL. Have you any person in your employ whose duty it is to go around and ascertain whether things are safe, generally, around the places?

Mr. RIDGWAY. Well, we have periodical inspections of various appliances; our gear is inspected and tested periodically.

Commissioner O'CONNELL. Periodically?

Mr. RIDGWAY. Yes, sir.

Commissioner O'CONNELL. How often does that mean?

Mr. RIDGWAY. The small gear that we use is inspected every six months; the heavier gear every 12 months, and such articles as hooks and blocks and apparatus of that kind taken out and annealed and tested.

Commissioner O'CONNELL. Have you any inspection as to the sanitary situation? For instance, in the place where men drink, do they all use the one cup, whether some of them have some disease or other, that they pass along to the next one who may use it, who are using the same cup, or a common spigot?

Mr. RIDGWAY. No, sir.

Commissioner O'CONNELL. No attention has been paid to the sanitary conditions at all?

Mr. RIDGWAY. None at all.

Commissioner GARRETSON. I have another question. Do any of your boats carry live stock?

Mr. RIDGWAY. Why, they bring live stock in now, and occasionally take horses out, but the general live-stock business from this country is practically stopped.

Commissioner GARRETSON. Does your company spend more money on the longshoremen in the way of comfort or facilities for working than it spends on the stock?

Mr. RIDGWAY. Than it spends on the stock?

Commissioner GARRETSON. For their comfort, yes, and shipment.

Mr. RIDGWAY. Well, of course, what is paid on the stock, what is spent on the stock, at least, is paid by the shippers.

Commissioner GARRETSON. In other words, you do not spend any money on the employees or stock unless you are paid for it?

Mr. RIDGWAY. I think, perhaps, you misunderstand me. Whatever the shipper hires—the shipper hires a certain space on the ship for his stock.

Commissioner GARRETSON. Yes.

Mr. RIDGWAY. Whatever additional fittings are necessary, for the sake of argument, in the case of thoroughbred horses, is paid entirely by the shipper. It is entirely a matter of arrangement. It is not a matter for the company.

Commissioner GARRETSON. If the company were just shipping stock that was like the lady's dog, it was just dog—stock that was just stock—they would provide of necessity to keep the terms of their contract, better appliances than you provide for your longshoremen, because of the greater investment of the company for that purpose, would it not?

Mr. RIDGWAY. I think not; because we have always paid every attention that could be thought of in connection with the appliances and kept them up to date and carefully inspected.

Commissioner GARRETSON. And still there is not a safety appliance in the harbor of New York for the safety of these men; there is not a shelter for them on the docks of New York that is not provided by outside money, nor is there a place where a man can hang his hat and coat while in your employ that is provided by the company. Isn't that true?

Mr. RIDGWAY. I believe that that is true, with the exception of the safety appliances; I do not quite see what appliances could be put around the hatch to render the work different from what it is now.

Commissioner GARRETSON. I was speaking of safety appliances as they are already applied to any craft. Go down here to the exhibition and you will find them. Isn't this true—I don't know whether you have made any investigation or not for your companies do not seem to have a tendency to investigate those things, from the testimony. In any craft where money is spent to insure safety, safety appliances are available, because it stimulates invention along that line. It is stated down here that safety appliances, invention—there is nothing for that class of men. Is it because they can not be made more safe? That you already have ideal conditions?

Mr. RIDGWAY. Well, I would not say that it was an ideal condition; we have been working on various things from time to time; but I don't know of anything evolved in that direction.

Commissioner GARRETSON. All that is done is to drive the men to work, under the ideal conditions, to drink? Has that been the result?

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Mr. RIDGWAY. I don't know whether it is the work that has driven them to drink or not.

Commissioner GARRETSON. Were you ever guilty of taking a drink?

Mr. RIDGWAY. I have.

Commissioner GARRETSON. When did you want it worst?

Mr. RIDGWAY. When did I want it worst?

Commissioner GARRETSON. Yes.

Mr. RIDGWAY. When?

Commissioner GARRETSON. When you were fagged out?

Mr. RIDGWAY. I should not say so particularly; no, sir.

Commissioner GARRETSON. I have seen the time when my tongue was hanging out and I wanted it bad then.

Mr. RIDGWAY. Bad.

Commissioner GARRETSON. Doesn't it seem that 10, 15, 20, or 30 hours of labor carrying, for instance, 280 pounds as an average load, would head the man for the nearest place where he could get some stimulant?

Mr. RIDGWAY. Well, I don't think the man would always be working under those conditions. They would not always be carrying as heavy loads as that for a lengthy time.

Commissioner GARRETSON. They would not all the time. I don't think the man is born of woman that could do that all of the time.

Mr. RIDGWAY. It is different. Part of the time they would be carrying much more than that.

Commissioner GARRETSON. Working as longshoremen could not be described, as a general proposition, as treading a primrose path?

Mr. RIDGWAY. Any character of labor of that kind is hard work—manual labor.

Commissioner GARRETSON. That is all.

Mr. BARNES. I would like to ask you a question. The regular day is 10 hours, is it not?

Mr. RIDGWAY. The regular day?

Mr. BARNES. Yes.

Mr. RIDGWAY. Is 10 hours.

Mr. BARNES. Is 10 hours the regular day?

Mr. RIDGWAY. Yes; the extra five is overtime—night work.

Mr. BARNES. This shelter that you have referred to up here in front of your piers, will accommodate 400 or 500 men. That would be about what proportion of the men that work along the Chelsea water front? About how many men work there, do you know? It has been testified here to be 2,500 to 3,000.

Mr. RIDGWAY. I should think, probably, that that was a pretty close approximation of it.

Mr. BARNES. Then the rest there would only accommodate about one-fifth or one-sixth?

Mr. RIDGWAY. Probably; yes, sir.

Mr. BARNES. Does your company ever contribute to Miss Graham's Longshoreman's Rest?

Mr. RIDGWAY. No, sir; not that I know of.

Mr. BARNES. That is all.

Chairman WALSH. That is all; thank you.

We will now adjourn until 2 o'clock this afternoon, to meet in the same room. (Thereupon, at 12.33 o'clock p. m., a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

Chairman WALSH. The commission will please come to order. You may proceed now, Mr. Thompson.

Mr. THOMPSON. I see Mr. Barnes is not here.

Chairman WALSH. Mr. Barnes is here. He will be back in just a moment.

Mr. THOMPSON. Mr. Hersey, will you take the stand?

TESTIMONY OF MR. FREDERICK WILLIAM HERSEY.

Mr. BARNES. Will you state your full name and your position, Mr. Hersey?

Mr. HERSEY. Frederick William Hersey.

Chairman WALSH. Mr. Barnes, Mr. Rogers was not on your program. Did you substitute him for some one?

Mr. BARNES. For Mr. Frederick Topp, who was vice president, or, second vice president of the International Mercantile Marine.

Chairman WALSH. What is his name?

Mr. BARNES. Frederick Topp.

Chairman WALSH. What is your name?

Mr. HERSEY. Frederick W. Hersey, Pier 3, Bush Terminal

Mr. BARNES. Mr. Hersey, the present position you occupy is manager of docks and cargoes for the company that has charge of Bush Dock No. 3, I think?

Mr. HERSEY. Pier 3; yes.

Mr. BARNES. And how long have you occupied that position?

Mr. HERSEY. Over seven years.

Mr. BARNES. What work connected with the water front did you have before that?

Mr. HERSEY. I was with the New York & Porto Rico Steamship Co.

Mr. BARNES. That is out in one of the basins?

Mr. HERSEY. Yes; Atlantic Basin.

Mr. BARNES. How long there?

Mr. HERSEY. About four years; between four and five years.

Mr. BARNES. That makes how many years of continuous knowledge?

Mr. HERSEY. Well, say, 12 years.

Mr. BARNES. Twelve years?

Mr. HERSEY. Over that, but about 12.

Mr. BARNES. Now, Mr. Hersey, I would like to ask you—can you tell me what you consider the number of longshoremen; that is, both foreign and coastwise?

Mr. HERSEY. That is a matter of conjecture.

Mr. BARNES. Yes; it is very much a matter of conjecture, but I just want you to give an estimate.

Mr. HERSEY. I should imagine anywhere between forty and sixty thousand men.

Mr. BARNES. Between forty and sixty thousand men?

Mr. HERSEY. Employed along shore.

Mr. BARNES. You do not include freight handlers in that?

Mr. HERSEY. No, sir.

Mr. BARNES. Because, while freight handlers work on the river piers, they are entirely different from longshoremen?

Mr. HERSEY. Yes.

Mr. BARNES. You occupy a position on one of the piers of the Bush Terminal, and, as I understand it, the Bush Terminal is really the last word in pier development here; is that right?

Mr. HERSEY. That is what we read.

Mr. BARNES. That is what I read. What do you think about it?

Mr. HERSEY. Why, I can only judge from standards that I have seen. It is as good as I have seen.

Mr. BARNES. How much larger are the piers at the Bush Terminal in size, both as to width and length, than at the Chelsea or Hoboken?

Mr. HERSEY. I should imagine—I don't know the exact figures, but the pier we occupy is 1,351 feet in length and 151 feet in width. I haven't the exact measurements of the other piers, but I should imagine they are about 1,000 feet.

Mr. BARNES. Something less than 1,000 feet, because they had to add something to the dock.

Mr. HERSEY. I don't know the exact figures.

Mr. BARNES. The Bush Terminal, however, extends to 1,700 feet.

Mr. HERSEY. But not in our district.

Mr. BARNES. In general?

Mr. HERSEY. One thousand three hundred and fifty. I don't know about the new Pier 6; that may be a trifle larger.

Mr. BARNES. What about the two city piers down there above you?

Mr. HERSEY. They are a trifle longer than our piers.

Mr. BARNES. One thousand four hundred and something?

Mr. HERSEY. Yes.

Mr. BARNES. What kind of men, as to nationality, do you work down at your piers?

Mr. HERSEY. It is a mixture; probably a great percentage are Italians, Swedes, Norwegians, and Irish, principally.

Mr. BARNES. At the Bush Docks the Irish are at the end of the scale, aren't they, as to numbers?

Mr. HERSEY. I should imagine so.

Mr. BARNES. Do you think that you have as good a class of workmen at the Bush Docks as they have at Chelsea?

Mr. HERSEY. I don't know about Chelsea, but we have a good class of workmen.

Mr. BARNES. A good class of workmen?

Mr. HERSEY. Very satisfactory.

Mr. BARNES. About how many men do you work, for instance, do you work on your pier?

Mr. HERSEY. Well, it would have to be an average, because the number of men fluctuate so.

Mr. BARNES. Certainly.

Mr. HERSEY. Depends on tonnage offered.

Mr. BARNES. Well, take the average.

Mr. HERSEY. Well, probably, as an average, it would average about 275 or 300 men a day.

Mr. BARNES. Counting a whole month?

Mr. HERSEY. Counting a whole month.

Mr. BARNES. That is, you would—

Mr. HERSEY (interrupting). And we might have 90 men to-day and might have 600 to-morrow.

Mr. BARNES. Now, were you in here this morning and heard the testimony of other witnesses?

Mr. HERSEY. I heard a great part of it; yes, sir.

Mr. BARNES. These witnesses were from the passenger steamship lines, and in their business—an entirely different phase of this work?

Mr. HERSEY. Entirely.

Mr. BARNES. And you are practically entirely freight?

Mr. HERSEY. Well, you might call it entirely freight. What little passenger business we do would not amount to anything.

Mr. BARNES. Do you know about the sentiment of longshoremen? Would the ordinary longshoreman think that the passenger-line piers were better to work on than your piers?

Mr. HERSEY. Well, I could not say, because I can not think for the longshoremen, the longshoreman way. But the natural sequence of things, we all think if we are working for something large we are in a better position, but in my position there I am not directly thrown in with the longshoremen. I am not a stevedore.

Mr. BARNES. Well, you come in contact—

Mr. HERSEY (interrupting). Still, any testimony I might give would be simply from my own ideas.

Mr. BARNES. You hire men in front of the pier, the same as at Chelsea?

Mr. HERSEY. Not in front of the pier.

Mr. BARNES. Where?

Mr. HERSEY. They generally shape at the foot of Forty-third Street; that is, right adjoining the gateway to the property.

Mr. BARNES. You mean just below you?

Mr. HERSEY. The foot of Forty-third Street, going toward the entrance to the plant. The main entrance to the Bush Terminal is at Forty-third Street. That is where the workers are shaped.

Mr. BARNES. Does your stevedore blow his whistle for assembly?

Mr. HERSEY. He doesn't blow his whistle; he goes up there and picks out his men.

Mr. BARNES. When he comes up that is enough?

Mr. HERSEY. I should imagine so; yes, sir.

Mr. BARNES. He hires from the shape?

Mr. HERSEY. Yes, sir.

Mr. BARNES. You pay the same price?

Mr. HERSEY. I should imagine so; we pay the union rate.

Mr. BARNES. What is known as the union rate?

Mr. HERSEY. Union rate; yes, sir.

Mr. BARNES. What do you believe is the weekly earnings of the ordinary longshoreman at the Bush Terminal for all the men, as you rotate them there?

Mr. HERSEY. That would be a very hard thing to give any sort of idea, as the individual; simply have to apply an average of a certain number of men.

Mr. BARNES. That is what I wish?

Mr. HERSEY. I should imagine it ranges between \$12 and \$13.50 a week.

Mr. BARNES. Do you mean that for the entire body of men, or do you mean for the class of men that you hire?

Mr. HERSEY. Naturally, the average that we have to pay, based on the men that we have to hire.

Mr. BARNES. Have you ever been up at the shape when the hiring was going on?

Mr. HERSEY. I can not say that I have been there; I may have come through—

Mr. BARNES (interrupting). Have you knowledge from hearsay or actual knowledge of the number of men turned away after the hiring is done?

Mr. HERSEY. Under the present régime, I think there are very few men turned away there at our place.

Mr. BARNES. Now, I had an interview with you, Mr. Hersey, several days ago, in which you told me the number of tons of cargo that you moved in the course of the year.

Mr. HERSEY. Yes, sir.

Mr. BARNES. At that time I asked you to prepare something that might show, in addition to that, the number of men and the number of hours' work per man required to move that amount of freight; have you done so?

Mr. HERSEY. I went over it hurriedly; that is, as near as I could do in the time limit. I waited until I got your memorandum of topics, and, of course, that did not reach me until Saturday morning; but I figured up that our total tonnage, including coal and all—the tonnage handled by us during the 12 months—was 1,390,000 tons handled by our organization; and, of course, that could be resolved into hours very readily by finding the cost against it, which would be about \$400,000—pay-roll cost.

Mr. BARNES. Four hundred thousand dollars to move—

Mr. HERSEY. One million three hundred and ninety thousand tons.

Mr. BARNES. One million tons plus?

Mr. HERSEY. Yes.

Mr. BARNES. How many men did you hire in the course of that year?

Mr. HERSEY. Well, the average number would be about 275 men per day.

Mr. BARNES. And how many hours' work to move that million tons?

Mr. HERSEY. I should imagine the number of hours would approximate about 1,000,000.

Mr. BARNES. In other words, you would do—

Mr. HERSEY. A ton an hour for all the hours.

Mr. BARNES. Mr. Hersey, what is your knowledge of the ports abroad?

Mr. HERSEY. Nil; only what I have read.

Mr. BARNES. Well, have you read considerably about them?

Mr. HERSEY. I have.

Mr. BARNES. I am vain enough to believe that I know a little about them, and I have only read about them. Let's go into what you know about Hamburg.

Mr. HERSEY. In a general way.

Mr. BARNES. What do you think of the port of New York as an up-to-date port, as compared with Hamburg?

Mr. HERSEY. Well, I don't think we have the progressive spirit.

Chairman WALSH. Haven't any what?

Mr. HERSEY. I don't see that we can see any evidence of a progressive spirit in the betterment of the port of New York.

Mr. BARNES. In other words, the port of New York, taking it by and large, is out of date?

Mr. HERSEY. I could not say that, because I have no standard to govern my words by.

Mr. BARNES. Well, from your knowledge and reading as to Hamburg, would you consider it up to the standard of Hamburg?

Mr. HERSEY. I would not.

Mr. BARNES. How about the English ports?

Mr. HERSEY. Why, I think, from what I read from the English ports, I should judge that they were more up to date.

Mr. BARNES. More up to date?

Mr. HERSEY. For economic purposes.

Mr. BARNES. You mean in the mechanism to handle cargoes?

Mr. HERSEY. Yes, sir.

Mr. BARNES. This is not in reference to the way they treat the men?

Mr. HERSEY. No, sir.

Mr. BARNES. Is that the idea?

Mr. HERSEY. One leads to the other, I should think.

Mr. BARNES. That is what I wanted to get. You were speaking of, really, the mechanism; but that leads up to the men?

Mr. HERSEY. Yes, sir.

Mr. BARNES. Do you think that longshore work is a very casual work?

Mr. HERSEY. Casual?

Mr. BARNES. Yes.

Mr. HERSEY. Well, you will have to define how you use casual.

Mr. BARNES. Do you think that longshore work is the kind of work in which a man only gets from three to four days' work a week and spends a week to get the three or four days' work?

Mr. HERSEY. Not as a general thing. I think a great deal of that depends upon the man himself.

Mr. BARNES. In how large a way could the man himself remedy that?

Mr. HERSEY. By creating his own value.

Mr. BARNES. Does the ordinary longshoreman have a large value as a unit?

Mr. HERSEY. Of course; as a man every man has his potentiality. He makes up the machine.

Mr. BARNES. Yes; he makes up the machine.

Mr. HERSEY. Yes, sir.

Mr. BARNES. How much rotation goes on over at your pier? Do you hire the same men every day?

Mr. HERSEY. That, of course, depends upon the tonnage that we are handling. Our business fluctuates; that is, we are not a regular line business.

Mr. BARNES. When you have to employ 90 men you turn away 510?

Mr. HERSEY. No, sir; we do not turn them away.

Mr. BARNES. What do you do?

Mr. HERSEY. They do not show up.

Mr. BARNES. They know better than to come?

Mr. HERSEY. They know better than to come.

Mr. BARNES. How do they get that knowledge?

Mr. HERSEY. I suppose there is a sort of mental telepathy that tells them those things.

Mr. BARNES. You don't give out that knowledge, do you?

Mr. HERSEY. We do if we can.

Mr. BARNES. You do not post it up?

Mr. HERSEY. No, sir.

Mr. BARNES. There is a certain mental telepathy that makes the 510 men know they need not come?

Mr. HERSEY. They get it through the Longshore Gazette.

Mr. BARNES. Please explain to the commission what it is. I know what it is, personally.

Mr. HERSEY. I don't know as I can explain it.

Mr. BARNES. What is the Longshore Gazette?

Mr. HERSEY. It is a sort of gazette that is published; it is a gazette.

Mr. BARNES. It is not printed in type?

Mr. HERSEY. No, sir; it is not printed in type. It is just a general understanding among longshoremen, which could only be interpreted by a longshoreman.

Mr. BARNES. In other words, a man would have to work as a longshoreman to understand the spirit of it?

Mr. HERSEY. Yes, sir.

Mr. BARNES. He could get that influence that would make him know that he need not come there?

Mr. HERSEY. That is it.

Mr. BARNES. So, the 510; where do they go that day?

Mr. HERSEY. I imagine they go where work affords.

Mr. BARNES. Is there room for the 510?

Mr. HERSEY. Most certainly there is room.

Mr. BARNES. About how many docks are there, commencing with the American?

Mr. HERSEY. Seven.

Mr. BARNES. Seven?

Mr. HERSEY. Yes, sir.

Mr. BARNES. About how many men are required to do the work there normally throughout a week?

Mr. HERSEY. I should imagine, on an average of 1,500 to 1,800 men.

Mr. BARNES. One thousand eight hundred men?

Mr. HERSEY. Yes, sir.

Mr. BARNES. About how many men obtain their living there?

Mr. HERSEY. I think equal that number; I should imagine so.

Mr. BARNES. Do you mean that there is no reserve over and above the number of men actually required to do the work down there?

Mr. HERSEY. You might call it a reserve. The greater part of the Italian labor comes from a district of its own, and it is very easy to draw from that district.

Mr. BARNES. What does that labor do when not engaged on the Bush?

Mr. HERSEY. They float around to different parts where they are in the habit of getting the work; that is, it would be around the Atlantic Basin, along the New York Belt Co. water front, and also the Bush Terminal.

Mr. BARNES. When you speak of 1,800 or 2,000 people, you are talking about a number of people who go to the Atlantic Basin and—

Mr. HERSEY. I am taking an average, as near as I can estimate it, in my own mind of men who are on an average employed. There might be days during the time where that number would only be 500 or 300 men working on the whole plant, but there are days that we ourselves employ 600 or 700, and I imagine other piers are equally the same. The business is analogous.

Mr. BARNES. Now, Mr. Hersey, from what you explained to me when I had a conversation with you, I saw you had worked out the matter of tonnage and per hour per man very effectively, and also the rest of your business. Do you believe that there is in any way—not only that the Bush, but at other terminals in the city—any way in which the work could be made less casual? You heard it stated here by people who represent different interests that no more than four days' work at best could be had by the men throughout the year, and that they spend seven days to get that. Have you any scheme whereby the work could be made less casual?

Mr. HERSEY. No, sir; because I think the statement four days a week, while it might carry out, yet at the same time there is too much guesswork as to just what it includes. Because, in fact, I could not say from my record how much money any one man had earned unless he worked for us during all the time he was employed.

Mr. BARNES. Suppose a man worked a full day for you at, we will say, the union rate, although there is no union rate, but at 33 cents an hour, he would make \$3.30?

Mr. HERSEY. Yes, sir.

Mr. BARNES. And the highest you estimate would be \$13. How many days would it take him to earn that?

Mr. HERSEY. It would be very easy to divide it and find out.

Mr. BARNES. Between four and five?

Mr. HERSEY. Yes, sir.

Mr. BARNES. Do you work Sundays?

Mr. HERSEY. When necessity requires. Not as a general thing.

Mr. BARNES. Does that mean that the men, even at your best estimate of working between four—getting between four and five days' work, and spending six and seven days to get it?

Mr. HERSEY. I would not say that.

Mr. BARNES. Doesn't it show for itself?

Mr. HERSEY. I would not say that, not on the long average.

Mr. BARNES. Excuse me, but does it jibe, when you say \$13 per week a man can earn at a 10-hour day?

Mr. HERSEY. That \$13 a week, my dear sir, represents an average for the year.

Mr. BARNES. Yes; I am talking about an average for the year per week.

Mr. HERSEY. But it would be very hard for me to judge with regard to that. It would take lots of figures to make myself clear, and I would rather not conjecture.

Mr. BARNES. It stands just there. I would like to know where the discrepancy is. The man is surely not working six days a week. If he did, he would earn between \$19 and \$20.

Mr. HERSEY. Certainly. We could not work men when we do not have the ships.

Mr. BARNES. That is what I am saying.

Mr. HERSEY. Therefore that is what brings the average down.

Mr. BARNES. The average, then, must be according to the amount—

Mr. HERSEY. I should imagine that, as nearly as I can figure.

Mr. BARNES. How about the hazards of the work? What do you think about it? Do you have many accidents?

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Mr. HERSEY. About the usual number.
 Mr. BARNES. What is the usual number?
 Mr. HERSEY. Well, it would be very hard for me to say.
 Mr. BARNES. If a man gets hurt so that he is laid up a week with a crushed finger, you don't call that an accident?
 Mr. HERSEY. Every accident is reported.
 Mr. BARNES. Reported to whom?
 Mr. HERSEY. The underwriters.
 Mr. BARNES. You have no employers' liability?
 Mr. HERSEY. No, sir; travelers'
 Mr. BARNES. What?
 Mr. HERSEY. The Travelers' Insurance.
 Mr. BARNES. What do they charge you?
 Mr. HERSEY. I don't know the exact figure.
 Mr. BARNES. Could you come anywhere near?
 Mr. HERSEY. I should imagine about 4½ or 5 per cent. Somewhere along there.
 Mr. BARNES. I beg your pardon, I didn't understand.
 Mr. HERSEY. I suppose the insurance amounts to 4½ or 5 per cent.
 Mr. BARNES. Four and a half or five per cent?
 Mr. HERSEY. Yes, sir; I don't know the exact figures.
 Mr. BARNES. The miner is \$2?
 Mr. HERSEY. Yes, sir.
 Mr. BARNES. Coal miners?
 Mr. HERSEY. Yes, sir.
 Mr. BARNES. Your rate is higher than that.
 Mr. HERSEY. I imagine so, if that is the rate for the miners.
 Mr. BARNES. Have you any place on your pier for giving first aid?
 Mr. HERSEY. Well, we have a first-aid arrangement for bandages and little surgical instruments. We have a rest room.
 Mr. BARNES. You have a rest room?
 Mr. HERSEY. Yes, sir.
 Mr. BARNES. Where is that?
 Mr. HERSEY. It is a general place where we could take a man if he is injured.
 Mr. BARNES. That rest room is not occupied by longshoremen during their rest hours?
 Mr. HERSEY. No, sir; but they have the liberty to go there if they choose to, but they do not choose to.
 Mr. BARNES. Are longshoremen allowed on your pier other than at the time they are working?
 Mr. HERSEY. I don't think the question ever came to the point. After their work is over they are generally not prone to remain around the pier.
 Mr. BARNES. You have seen the casual way of working—taking them on and working them?
 Mr. HERSEY. Yes, sir.
 Mr. BARNES. You do take them on for a little while?
 Mr. HERSEY. Yes, sir.
 Mr. BARNES. And lay them off?
 Mr. HERSEY. Yes, sir; by the hour.
 Mr. BARNES. As lighters and ships come in?
 Mr. HERSEY. Yes, sir.
 Mr. BARNES. Is there any place provided for their waiting?
 Mr. HERSEY. Not to my knowledge.
 Mr. BARNES. Has that ever been taken up by your company?
 Mr. HERSEY. We have given it considerable consideration from time to time.
 Mr. BARNES. You never have done anything?
 Mr. HERSEY. But we have never done anything.
 Mr. BARNES. At the Bush Docks is there any such thing as a rest?
 Mr. HERSEY. Not that I know of.
 Mr. BARNES. Now, Mr. Hersey, I think that you are very well acquainted with the situation from both ends. I would like for you to give your personal ideas about how the situation might be helped. Don't you believe that there is an opening for the bettering of the condition of longshoremen?
 Mr. HERSEY. Well, it would be a very hard question for me to answer.
 Mr. BARNES. I say, don't you believe there is an opening?
 Mr. HERSEY. I should say I imagine so, morally and physically.

Mr. BARNES. Could the companies themselves help any in the moral and physical betterment of the men?

Mr. HERSEY. I don't know. That is whatever the individual regard is for a man.

Mr. BARNES. Whatever the individual regard is?

Mr. HERSEY. Yes, sir.

Mr. BARNES. You take some interest in social welfare?

Mr. HERSEY. Why, I give it considerable thought.

Mr. BARNES. You give it considerable thought?

Mr. HERSEY. Yes, sir.

Mr. BARNES. Have you noticed how the different plants employing large numbers of men throughout the country—the questions of social welfare and the betterment of the men have been taken up by those concerns?

Mr. HERSEY. I have read some about it.

Mr. BARNES. Could that particular work be taken up among the longshoremen?

Mr. HERSEY. I don't see anything to prohibit it.

Mr. BARNES. Mr. Hersey, is it not a truth that the general public has gotten a wrong conception of the longshoremen, which they themselves have accepted, about drinking, and the general utter worthlessness of the men?

Mr. HERSEY. Why, from our standpoint, we find that we have a very good class of men, indeed.

Mr. BARNES. Yes; but I am talking about the general public.

Mr. HERSEY. I am sure I don't know what the general public thinks. That would be hard for me to say. I can only give my personal ideas and views.

Mr. BARNES. That is all for the present.

Chairman WALSH. Do you wish to ask him any questions, Mr. Garretson?

Commissioner GARRETSON. Yes; I would like to ask a question or two. You estimate, Mr. Hersey, that the average earnings are about \$13 a week, are they?

Mr. HERSEY. I think that was my testimony.

Commissioner GARRETSON. As a general average, is that what your company pays out on an average?

Mr. HERSEY. That is—

Commissioner GARRETSON. Or is that what a man receives on an average?

Mr. HERSEY. I simply arrived at the average through the actual figures.

Commissioner GARRETSON. Through the men you employ, without any effort to connect the individuals—without any effort to connect the individuals up with the pay roll?

Mr. HERSEY. Yes, sir.

Commissioner GARRETSON. Then is it not a fact the individual man, if your average for the week is that you are paying each day 100 men—it may often be the case that the amount of \$13 is divided up between 120 men instead of the straight 100?

Mr. HERSEY. Quite conclusive.

Commissioner GARRETSON. And, therefore, the average earnings of the individual, provided there are more men engaged in the business than there are jobs open, as a general proposition, would be less than the amount of average pay by the company?

Mr. HERSEY. Necessarily, it would have to be.

Commissioner GARRETSON. Even on your own basis of what the company pays out, if the man worked 10 hours every working day, leaving Sunday out altogether—313 days each year—his earnings would be \$1,032, while even on your estimate of what the company pays out the amount paid by the company to the average man in its employ is only \$676; and then if there is a further subdivision that only brings to the individual, say, \$10 a week, then you have got the actual earnings of the man, doing in the neighborhood of \$400 a year, for the year?

Mr. HERSEY. So far as his earnings from our particular plant are concerned.

Commissioner GARRETSON. In this we are drawing a circle around your plant?

Mr. HERSEY. Yes, sir.

Commissioner GARRETSON. Therefore it would be readily seen that the actual earnings of the men under the system that obtains of paying longshoremen bears a very little relation, indeed, to the amount of time that he is compelled to give to secure that amount of earnings. In other words, he has got to give 313 days to secure pay for what actually turns out to be less than 200 days?

2098 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. HERSEY. Yes, sir.

Commissioner GARRETSON. Your Terminal Co. also owns a railroad?

Mr. HERSEY. I am not the Bush Terminal. We are lessees of one pier.

Commissioner GARRETSON. But the Bush Terminal Co. does own a railroad and operates it in connection with it?

Mr. HERSEY. I couldn't say that it owns it. They operate one.

Commissioner GARRETSON. They operate one in connection with the dockage?

Mr. HERSEY. Yes, sir.

Commissioner GARRETSON. Is not the railway movement and the dockage movement intimately connected; aren't they intimately connected with each other; that is, the amount of business done by the railroad company is wholly dependent upon the amount of business delivered at the docks, either incoming or outgoing?

Mr. HERSEY. Quite naturally.

Commissioner GARRETSON. If the men on the docks were paid on the same basis that the men on the railroad or the switchmen are paid—it is purely a switching road, as I understand it?

Mr. HERSEY. That is all.

Commissioner GARRETSON. Would it not give the actual hours of the day to every man that worked as a longshoreman?

Mr. HERSEY. Why, theoretically, of course it would have to.

Commissioner GARRETSON. Actual?

Mr. HERSEY. No, sir.

Commissioner GARRETSON. Is it not a fact that the Bush Terminal Co., if it calls a switchman at all, pays him for 10 hours?

Mr. HERSEY. He is busy 10 hours.

Commissioner GARRETSON. Whether he is busy or not?

Mr. HERSEY. They intend to keep them busy, otherwise they would lay them off.

Commissioner GARRETSON. Doesn't their contract so provide?

Mr. HERSEY. I don't know anything about their contract.

Commissioner GARRETSON. It does. Haven't they had a strike with their railroad men within the last four weeks?

Mr. HERSEY. Quite possible.

Commissioner GARRETSON. Didn't they settle on that basis less than 10 days ago?

Mr. HERSEY. I don't know how they settled, sir, because I don't know.

Commissioner GARRETSON. Would you hold, as a matter of equity, that, if there was justification for paying the switchmen on that basis, that the longshoremen were entitled to as much consideration from their employer?

Mr. HERSEY. Why, I don't just get what you are driving at. The point is this, that the longshoremen and the switchmen are in entirely a different class of labor.

Commissioner GARRETSON. They are both human?

Mr. HERSEY. That is quite evident.

Commissioner GARRETSON. Well, I have heard some testimony here that made me doubt whether longshoremen were human or not. But if the service of one was absolutely dependent on the other, and the character of work of one man is of an exhausting physical character as great or greater than the other, if there is equity in paying the switchmen every calendar day for 10 hours, if he works at all—

Mr. HERSEY. Yes, sir.

Commissioner GARRETSON (continuing). Would there be equity in also paying the longshoremen?

Mr. HERSEY. The equity in paying the longshoremen would consist in being possible to provide tonnage so that we could fill the pier right straight up and work 350 days in the year, but unfortunately we are not provided with tonnage in that way.

Commissioner GARRETSON. You don't misunderstand the switchmen's agreement, that the switchmen's agreement only provides this: That if he works at all he shall be paid for a day. But it does not bind the company to give him work unless they have work for him any time during that day—

Mr. HERSEY. Yes.

Commissioner GARRETSON. If it is equitable for one, wouldn't it be equitable for the longshoreman also, if he was needed for an hour and you called him for work, and pay him for half a day—if it is equitable for the other man? That don't commit you to the idea?

Mr. HERSEY. I would not be committed to it, because the stevedoring part of it is not connected with my particular business; whatever I should say would be simply my impression. So it would not be fair for me to make any statement except as my own view.

Commissioner GARRETSON. I am asking you only for your personal opinion.

Mr. HERSEY. But, of course, naturally, if you hold a man so that he can not take any other labor, looking at it from a theoretical point of view, I would say yes.

Commissioner GARRETSON. The foreman who hires these men, the company hires them by the month or the week, or whatever it is?

Mr. HERSEY. Whatever the custom is.

Commissioner GARRETSON. For a term, and they are in continuous employment?

Mr. HERSEY. It depends on the amount of tonnage there is.

Commissioner GARRETSON. And the number of foremen depends on that?

Mr. HERSEY. Yes, sir.

Commissioner GARRETSON. But the necessary number to handle your minimum, or possibly your average, are always kept in employment, are they not?

Mr. HERSEY. Not necessarily.

Commissioner GARRETSON. But a certain number are?

Mr. HERSEY. In the month of June if we did not have any ships, why, we would not have any foremen.

Commissioner GARRETSON. You had no foremen?

Mr. HERSEY. I say, if the month of June developed that we had no tonnage or ships, we would have no foremen.

Commissioner GARRETSON. You would discharge them, then, but they are under continuous employment unless you discharge them?

Mr. HERSEY. Oh, yes.

Commissioner GARRETSON. Suppose at some of the periods when there is no tonnage, sometime during the day, those men do not serve as foremen and are used in such other service outside of that as you can utilize them at?

Mr. HERSEY. I would not say that.

Commissioner GARRETSON. If there is no gang there can't be a foreman, then, for the time being?

Mr. HERSEY. Oh, we lay the foremen off.

Commissioner GARRETSON. By hours, the same as you do the longshoremen?

Mr. HERSEY. Just the same way.

Commissioner GARRETSON. You don't play any favorites on that?

Mr. HERSEY. No favorites.

Commissioner GARRETSON. Do you have any difficulty in keeping dependable foremen under those conditions?

Mr. HERSEY. No, sir.

Commissioner GARRETSON. Referring to the information that is contained in this Longshoremen's Gazette, you say they read in the Longshoremen's Gazette that there won't be any more men needed, so they don't come around. When a man has acquired the art of closing his eyes and reading the page I suppose he might do that, but is the information that he has learned to draw from that Gazette dependable?

Mr. HERSEY. Might be or might not be.

Commissioner GARRETSON. As a class?

Mr. HERSEY. Might be.

Commissioner GARRETSON. If he has learned from ordinary experience that he has missed a ship and that there is no possibility to secure employment until the next one is opened, why he has got—

Mr. HERSEY (interrupting). That is the natural deduction.

Commissioner GARRETSON. Then your statement that whether the man has the opportunity to fill out his day's work depends altogether on the man or depends on the man himself, to use the exact language, really depends on whether or not there is a place anywhere for the man that can be secured?

Mr. HERSEY. The two together.

Commissioner GARRETSON. Well, then, it don't depend altogether on the man himself, does it?

Mr. HERSEY. Well, you can put the two together.

Commissioner GARRETSON. If the man could dominate it, there would not be any unemployed in New York that wanted to work.

Mr. HERSEY. Let us hope so.

Commissioner GARRETSON. Hope goes in some churches as a means of salvation, but it don't give the man work. If that was true he would have the work, wouldn't he?

Mr. HERSEY. That is not——

Commissioner GARRETSON (interrupting). If it depended upon himself and the job was there? Can 50 men all have jobs if there are only 40 jobs?

Mr. HERSEY. It would not seem so.

Commissioner GARRETSON. Then that would not depend on the man himself at all, would it, only on his ability to get there first?

Mr. HERSEY. Yes.

Commissioner GARRETSON. That is beyond a man's control, whether or not he gets his share of employment?

Mr. HERSEY. Why, he must take his chances with the rest of them.

Commissioner GARRETSON. Well, then, if he has to take his chances, it don't depend on him at all?

Mr. HERSEY. We have already admitted that it took the two together—the job and the man.

Commissioner GARRETSON. Yes; you have admitted that now, but the original declaration was that it depended on the man himself.

Mr. HERSEY. To a great extent.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner O'CONNELL. I want to ask: Is there a person connected with your companies who is assigned to look after the safety of the working appliances around these docks?

Mr. HERSEY. Well, we have one dock only.

Commissioner O'CONNELL. Your dock—is there any one man in your employ whose business it is to see that these appliances are safe?

Mr. HERSEY. Yes, sir.

Commissioner O'CONNELL. And the ropes are sound and all that?

Mr. HERSEY. Yes, sir.

Commissioner O'CONNELL. How often does he make such an inspection?

Mr. HERSEY. When necessary—every time and any time.

Commissioner O'CONNELL. Does he do it every day?

Mr. HERSEY. Every day when stuff goes out of the store.

Commissioner O'CONNELL. Well, does he look after the sanitary conditions?

Mr. HERSEY. What sanitary arrangements?

Commissioner O'CONNELL. To see that the men get good drinking water.

Mr. HERSEY. Why, they attend to that themselves.

Commissioner O'CONNELL. Where do they get the water?

Mr. HERSEY. Get it from the city tap on the dock. The water is passed around to them through the hold of the ship by their own men, by their own fellows.

Commissioner O'CONNELL. They use a public cup?

Mr. HERSEY. They manage that themselves.

Commissioner O'CONNELL. They carry a cup with them?

Mr. HERSEY. Yes, sir.

Commissioner O'CONNELL. Each one?

Mr. HERSEY. Yes, sir.

Commissioner O'CONNELL. You don't have anything in extreme hot weather as for a man to take a shower bath?

Mr. HERSEY. We haven't arrived at that yet.

Commissioner O'CONNELL. I didn't know but it might be a good thing to recuperate the men when they had an hour between ships.

Mr. HERSEY. They might be a little better on a day like to-day.

Commissioner O'CONNELL. It might invigorate them?

Mr. HERSEY. Yes, sir.

Commissioner O'CONNELL. I was just reading in one of the noon editions here of a New York paper: "Railroad provides showers for hogs. Baltimore & Ohio Railroad has arranged to have showers at certain points along their railroad for hogs."

Mr. HERSEY. Railroads are not so bad after all.

Commissioner O'CONNELL. If it was a good thing for hogs, it might be a good thing for human beings, if they had a chance, for a shower occasionally. Well, that is all.

Mr. BARNES. Commissioner Garretson asked about foremen. You do have a number of regular foremen?

Mr. HERSEY. More or less regular; we are always busy.

Mr. BARNES. About how many regular foremen do you have?

Mr. HERSEY. Why, you might say we have three—mostly engaged, except might be a break of three or four days.

Mr. BARNES. These hourly foremen you are speaking of, engaged on occasions when you are working five or six hundred men, are they?

Mr. HERSEY. Yes.

Mr. BARNES. And they distribute themselves throughout the ship?

Mr. HERSEY. Yes.

Mr. BARNES. The men drink from the water tap?

Mr. HERSEY. No; they do not; the water is passed around the ship.

Mr. BARNES. Passed around the ship?

Mr. HERSEY. Yes, sir.

Mr. BARNES. By one of their own men?

Mr. HERSEY. Yes, sir.

Mr. BARNES. In a bucket or dipper?

Mr. HERSEY. Bucket and dipper, or any way they choose. It is good, clear water.

Commissioner O'CONNELL. Is the man employed one of their own men or one that you employ?

Mr. HERSEY. We pay for the man.

Mr. BARNES. The company pays for him?

Mr. HERSEY. Yes.

Mr. BARNES. Now, do you have any place for the men to hang up their coats and hats—specially provided room?

Mr. HERSEY. No.

Mr. BARNES. Have you any wash room for them?

Mr. HERSEY. No; except the general tap.

Mr. BARNES. They can go to the general tap?

Mr. HERSEY. Yes.

Mr. BARNES. You don't provide towels?

Mr. HERSEY. No.

Mr. BARNES. Now, I want to say to you, Mr. Hersey—you smile when I say "towels" in reference to longshoremen—it makes you smile to think that a longshoreman could have the same desires as other human beings.

Mr. HERSEY. I think very likely he does.

Mr. BARNES. But we smile when we speak about furnishing towels to longshoremen?

Mr. HERSEY. Yes.

Mr. BARNES. And I certainly did, too.

Mr. HERSEY. I think even a longshoreman would.

Mr. BARNES. Yes; and he has been taught that in the last 35 or 40 years, in this port, hasn't he—he has been taught to smile—

Mr. HERSEY (interrupting). Longer than that.

Mr. BARNES. Yes—when a towel is mentioned for him. I would like to ask you—

Mr. HERSEY. You must remember that I am not a stevedore.

Mr. BARNES. No; I beg pardon. Now, do you believe that the steamship companies of this port are making a decent living at their work?

Mr. HERSEY. That is a matter that can be very easily found out.

Mr. BARNES. Aren't the steamship companies declaring fairly good dividends?

Mr. HERSEY. Why, I could not state that except as a matter of financial record—what I read in the paper.

Mr. BARNES. As a matter of financial record—aren't the steamship companies in this port declaring, almost without exception, unless it is one fighting with the Atlantic conference—isn't it a fact that they are paying very good dividends?

Mr. HERSEY. Why, from the reports—I have not read any reports lately, of their dividends.

Mr. BARNES. Well, when you did read reports, about what did it range—from about what per cent lowest and highest?

Mr. HERSEY. Why, for one year, I think, if my recollection serves me right, one line paid 14 or 15 per cent.

Mr. BARNES. Didn't they range any higher than that?

Mr. HERSEY. I couldn't say, but I have seen some that were higher, possibly, and some lower.

Mr. BARNES. Very few lower than 14 or 15 per cent?

Mr. HERSEY. I would not say, because I never made a general canvass; all saw was just casual.

Mr. BARNES. Isn't it your general impression that the steamship companies in this port, with all their crude way of doing business and out of date way of doing business, are earning large dividends?

Mr. HERSEY. They might show that they earned large dividends, but you must bear in mind that the lines operating to this port have other feeders besides the port of New York. We must not get confused on the idea that they are making all their money out of the port of New York, or running to the United States, either.

Mr. BARNES. I don't mean that; but we will confine ourselves to lines touching here and having regular sailings to the port of New York. Isn't it your understanding that they are making good dividends?

Mr. HERSEY. Yes; but even those lines do not make all their money out of the port of New York, because they are running to China and Japan from Liverpool and from Amsterdam, as well.

Mr. BARNES. But, I say, take the lines that have this as one of their ports.

Mr. HERSEY. I couldn't say that as a fact; it would be impossible for me to say it as a fact.

Chairman WALSH. Anything else, Mr. Barnes?

Mr. BARNES. That is all.

Chairman WALSH. That is all, Mr. Hersey. Call your next.

TESTIMONY OF MR. TIMOTHY CARROLL.

Mr. BARNES. Mr. Carroll, state your full name?

Mr. CARROLL. Timothy Carroll.

Chairman WALSH. What is your first name, Mr. Carroll?

Mr. CARROLL. Timothy—Timothy Carroll.

Chairman WALSH. Timothy Carroll?

Mr. CARROLL. Yes.

Mr. BARNES. You are a longshoreman, Mr. Carroll?

Mr. CARROLL. Yes, sir.

Mr. BARNES. About how long have you worked in the port of New York?

Mr. CARROLL. As a longshoreman?

Mr. BARNES. As a longshoreman.

Mr. CARROLL. About two years, sir.

Mr. BARNES. About two years?

Mr. CARROLL. Yes.

Mr. BARNES. Prior to that time you worked in Liverpool?

Mr. CARROLL. Anywhere; wherever I could get it; yes; Liverpool and different places.

Mr. BARNES. How long did you work in Liverpool?

Mr. CARROLL. As a longshoreman?

Mr. BARNES. As a longshoreman?

Mr. CARROLL. About five years.

Mr. BARNES. About five years?

Mr. CARROLL. Yes.

Mr. BARNES. You have full knowledge of the business as conducted at Liverpool?

Mr. CARROLL. Up to the time I left it.

Mr. BARNES. Have you been in contact with other Liverpool longshoremen since that time?

Mr. CARROLL. Yes, sir.

Mr. BARNES. Have you talked with them?

Mr. CARROLL. Yes, sir.

Mr. BARNES. Have you confirmed any of your impressions that you had at the time that you did work there with their impressions, so as to bring your knowledge up to date?

Mr. CARROLL. I certainly have.

Mr. BARNES. Do you think that you know about the way the work is carried on in Liverpool at this present time?

Mr. CARROLL. Yes, sir; at the present moment.

Mr. BARNES. All right. Now, about how many longshoremen do you believe work in the port of Liverpool?

Mr. CARROLL. That is a big proposition.

- Mr. BARNES. Well, about how many of the longshoremen's union are there?
- Mr. CARROLL. Well, when I left the longshoremen's union was somewhere around 45,000 strong.
- Mr. BARNES. About 45,000 strong?
- Mr. CARROLL. Yes.
- Mr. BARNES. You must have had every man in the port in the union, then, didn't you?
- Mr. CARROLL. Well, perhaps every one. You could not get a job without you had a button.
- Mr. BARNES. You could not get a job unless you had a button?
- Mr. CARROLL. No, sir.
- Mr. BARNES. The union had full control?
- Mr. CARROLL. Absolutely.
- Mr. BARNES. Now, tell us something about the way the longshoremen are hired in Liverpool.
- Mr. CARROLL. Well—
- Mr. BARNES (interrupting). Compare it with here. Do you go down in front of the pier?
- Mr. CARROLL. We go down in front of the pier at the present moment; I am speaking of the present moment now.
- Mr. BARNES. Yes.
- Mr. CARROLL. You go down in front of the pier at 7 o'clock, and you shape. Well, if you don't catch on, if you don't cop, as the saying is, you go to what they call a "clay house." You have got to be at that "clay house" at a quarter of 8, and if the stevedore is short of men, he has got to go to that clearing house and get the men.
- Mr. BARNES. Wait one minute. When you shape at 7 o'clock in front of the pier, all the men the foreman thinks necessary are taken. Is that so?
- Mr. CARROLL. They are taken on at that time.
- Mr. BARNES. Then you go to the clearing house?
- Mr. CARROLL. Then you go to the clearing houses, and if there are any stevedores short, and the men who have already shaped off, if he is short men or sends a stevedore, or comes to the clearing house himself, and he orders the men he wants in the clearing house.
- Mr. BARNES. Do I understand that the clearing house is a labor exchange?
- Mr. CARROLL. On the same scale.
- Mr. BARNES. The men all leave the water front, do they?
- Mr. CARROLL. All leave the water front and go to this clearing house.
- Mr. BARNES. Do men hang around the water front in Liverpool the same as they do here?
- Mr. CARROLL. Positively no.
- Mr. BARNES. Positively not?
- Mr. CARROLL. No. Once 7 o'clock goes, they all get off the water front.
- Mr. BARNES. They all get off the water front after 7 o'clock?
- Mr. CARROLL. Yes; the delegate won't allow them to be around the water front.
- Mr. BARNES. You say they go to this clearing house, or station, and if the foreman has made a miscalculation and needs more men, he goes out and gets the men?
- Mr. CARROLL. Yes.
- Mr. BARNES. Does he pay the same to that man, or those men, the same as he pays to the men he took on at 7 o'clock?
- Mr. CARROLL. Absolutely.
- Mr. BARNES. They get the half day?
- Mr. CARROLL. Five hours' pay.
- Mr. BARNES. Then what is the next hiring?
- Mr. CARROLL. One o'clock.
- Mr. BARNES. The same conditions obtain again?
- Mr. CARROLL. The same conditions, but you work four hours; you work from 1 o'clock until 5 o'clock.
- Mr. BARNES. You don't work a 10-hour day in Liverpool?
- Mr. CARROLL. No, sir; 9 hours. I think that is enough, too.
- Mr. BARNES. Then, I want to state this, and correct me if I am wrong.
- Mr. CARROLL. Yes.
- Mr. BARNES. The conditions in Liverpool are such that the men shape in the morning at 7 o'clock and as many are taken on as the foreman thinks necessary?

Mr. CARROLL. Yes, sir.

Mr. BARNES. If he has made a mistake in any way, or an emergency arises, he goes to the clearing house or labor exchange and gets his other men, or sends some other man to get them?

Mr. CARROLL. Yes, sir.

Mr. BARNES. But all men are paid for a half day?

Mr. CARROLL. For a half day.

Mr. BARNES. The same conditions obtain to the afternoon?

Mr. CARROLL. To the afternoon.

Mr. BARNES. The men can leave the water front with the understanding that they will not be picked up along the water front?

Mr. CARROLL. No; they can not be picked up along the water front.

Mr. BARNES. Then when a man is taken out at any time he knows he is going to get a half day?

Mr. CARROLL. He knows he has got to get a half day's pay.

Mr. BARNES. About how long has that obtained in Liverpool?

Mr. CARROLL. Well, in all my experience, and I suppose my ancestors before me.

Mr. BARNES. Now, you have worked two years on this work here?

Mr. CARROLL. Yes.

Mr. BARNES. How about the treatment of the men here in comparison to the treatment of the men in Liverpool? Do they treat them as civilly here as in Liverpool?

Mr. CARROLL. Well, the comparison of the treatment between New York and Liverpool, of course, you have got all one there; you see it is a big proposition, but the treatment between here and Liverpool, I think this is Chinese labor to what it is in Liverpool.

Mr. BARNES. It is Chinese labor?

Mr. CARROLL. Yes.

Mr. BARNES. Why?

Mr. CARROLL. Because there is too much bullying.

Mr. BARNES. Speak up.

Mr. CARROLL. Too much bullying. The foremen are after you all the time; and they don't treat you like men. You don't seem to be in the same shoes as what they are. You are not supposed to be a man. From all I can see, from the 'shoreman's point of view, you seem to be more of a dummy than a man.

Mr. BARNES. You mean by that they hurry you?

Mr. CARROLL. They bully you, and if you are not able to do it, you want to go anywhere where a man generally does want to go; they go down and pull you out.

Mr. BARNES. You mean by that to the toilet?

Mr. CARROLL. Yes; if you want to go to the toilet or anywhere, they go down and pull you out.

Mr. BARNES. You have spent two years here now, you say?

Mr. CARROLL. Yes, sir.

Mr. BARNES. Do you meet other Liverpool longshoremen coming here?

Mr. CARROLL. Yes, sir.

Mr. BARNES. Do you talk with them?

Mr. CARROLL. Yes, sir.

Mr. BARNES. Do they work here a while?

Mr. CARROLL. No, sir; not to my knowledge. There is one or two.

Mr. BARNES. Do you seem to stand alone among the men who have stood for it here?

Mr. CARROLL. Sir?

Mr. BARNES. Do you seem to stand alone among the men who have stood for that treatment here?

Mr. CARROLL. Do I seem to stand alone?

Mr. BARNES. Yes. Are there many other Liverpool or London longshoremen here?

Mr. CARROLL. Liverpool men are few and far between. There are about five along the river front.

Mr. BARNES. About five along the river front?

Mr. CARROLL. That is all.

Mr. BARNES. Have you talked with them?

Mr. CARROLL. Yes, sir.

Mr. BARNES. Do they all seem to agree with you that—

Mr. CARROLL (interrupting). Well, there is a couple coming here to-morrow who will say the same thing.

Chairman WALSH. How old are you, Mr. Carroll?

Mr. CARROLL. Twenty-five years of age.

Mr. WALSH. And at what age did you begin working as a longshoreman?

Mr. CARROLL. Sixteen years.

Mr. WALSH. Are you married or single?

Mr. CARROLL. Single.

Chairman WALSH. You have been in this country how long?

Mr. CARROLL. Three years.

Chairman WALSH. Now, as to what sort of loads a longshoreman carries, I wish you would pick out some typical package, for instance, like a sack of coffee or flour, or whatever it might be, and give the weight.

Mr. CARROLL. That is, that you have to carry on your back?

Chairman WALSH. Yes.

Mr. CARROLL. Well, those varies; sometimes it is a case you can not carry at all; sometimes you have to carry and are compelled to carry.

Chairman WALSH. Yes.

Mr. CARROLL. Now, there is——

Chairman WALSH (interrupting). Flour, for instance?

Mr. CARROLL. Well, flour comes on the average from 140 to 280 pounds.

Chairman WALSH. Do you have to carry a sack of flour weighing 280 pounds?

Mr. CARROLL. Many a time.

Chairman WALSH. Do you do it?

Mr. CARROLL. Yes; I do it.

Chairman WALSH. How long, continuously, have you ever carried sacks of flour weighing 280 pounds?

Mr. CARROLL. Fourteen hours.

Chairman WALSH. Fourteen hours?

Mr. CARROLL. Yes, sir.

Chairman WALSH. Sugar?

Mr. CARROLL. Sugar comes up to 350.

Chairman WALSH. What has been your experience with reference to carrying sugar?

Mr. CARROLL. None whatsoever.

Chairman WALSH. You have not carried it?

Mr. CARROLL. No, sir.

Chairman WALSH. What is the heaviest package of sugar you have carried?

Mr. CARROLL. I have never carried none.

Chairman WALSH. How about potatoes?

Mr. CARROLL. Well, potatoes, 200 pounds—160 to 200 pounds.

Chairman WALSH. Have you carried those on your back?

Mr. CARROLL. Yes, sir.

Chairman WALSH. For how long a period of time?

Mr. CARROLL. Fourteen hours—fifteen hours; until 12 o'clock one night.

Chairman WALSH. You say that there are 45,000 members of the longshoremen's union in Liverpool?

Mr. CARROLL. That is about right.

Chairman WALSH. And have they been thus organized ever since you have been in the business?

Mr. CARROLL. No, sir.

Chairman WALSH. You were in the business there five years, you say?

Mr. CARROLL. Yes.

Chairman WALSH. What was the percentage of the longshoremen that were organized when you went into the business?

Mr. CARROLL. When I went into the business about five years ago the union stood about 3,000 strong.

Chairman WALSH. And they now have a 100 per cent union, you say, and you can not get a job without a button?

Mr. CARROLL. Yes; and you can not go and join a union whenever you wish, either.

Chairman WALSH. Why not?

Mr. CARROLL. Well, you can't. You have got to be elected by members of the union.

Chairman WALSH. Now, what is the rate of pay in Liverpool?

Mr. CARROLL. Well, it is just according to what you are working at. You might be working at different stuff. Different stuff, different money.

Chairman WALSH. You don't have the same subdivisions as you do here?

Mr. CARROLL. No; you are not always on a regular scale; you might be working on one stuff to-day and get half a crown for your five hours, and the next day on different stuff and get 3 shillings for your five hours.

Chairman WALSH. Briefly, what are the different sorts of material that the wage is based on in Liverpool?

Mr. CARROLL. Well, such as carrying anything on your back; carrying beef, or copper ore, or lead, or anything like that; logs and lumber; that is what we call extras.

Chairman WALSH. What is the highest wage that is paid?

Mr. CARROLL. The highest wage paid is, I guess, copper ore. That is about the best. Or salt. Salt you are paid by the ton.

Chairman WALSH. Paid by the ton?

Mr. CARROLL. Salt you are paid by the ton, if it is in bulk on the ship.

Chairman WALSH. What is the highest rate of wage paid per hour in Liverpool at this time?

Mr. CARROLL. The highest, copper ore.

Chairman WALSH. What is that?

Mr. CARROLL. Copper ore runs about 22 cents an hour.

Chairman WALSH. Twenty-two cents an hour?

Mr. CARROLL. Yes.

Chairman WALSH. And what is the lowest?

Mr. CARROLL. Five shillings a day.

Chairman WALSH. And what is that for? Carrying what? Handling what?

Mr. CARROLL. Handling general freight for that.

Chairman WALSH. Handling general freight?

Mr. CARROLL. Yes.

Chairman WALSH. Five shillings a day?

Mr. CARROLL. Yes, sir.

Chairman WALSH. Have they any central place where they meet in Liverpool—the longshoremen, where they spend their time when they are not actually engaged?

Mr. CARROLL. They have the clearing house, haven't they?

Chairman WALSH. I was going to ask you about that. Is that a large building?

Mr. CARROLL. There is—well, from what I can make out there is 9 or 12 of them along the river front.

Chairman WALSH. Called clearing houses; and they are maintained by whom?

Mr. CARROLL. By the city; by the Government.

Chairman WALSH. By the Government?

Mr. CARROLL. Yes; the Government maintains them.

Chairman WALSH. And how many people would you say could be taken care of? Is it a place where the men can rest?

Mr. CARROLL. That is a proposition I could not tell you.

Chairman WALSH. You could not tell us?

Mr. CARROLL. No.

Chairman WALSH. On the dock do they have any places for the men to put their clothing while they are at work?

Mr. CARROLL. They have kind of lockers, if you use them. They are there for you if you want to use them.

Chairman WALSH. Are the toilet arrangements different from what we have, or the same?

Mr. CARROLL. No; the toilet arrangements here and the toilet arrangements there are different. If you want to go to the toilets there, you have got to go to—there is the back [indicating], here is the street [indicating], and here is the dock [indicating], and the toilet is on the outside of the pier, or you might say on the outside of the pier onto the street.

Chairman WALSH. Now, you were talking about your treatment here. You don't mean that the foreman strikes a man?

Mr. CARROLL. But he will go a good way to it if you don't look out for him.

Chairman WALSH. Well, does the abuse consist of abusive language? Does he curse or swear at you?

Mr. CARROLL. Certainly.

Chairman WALSH. That is the sort of abuse you refer to here?

Mr. CARROLL. Yes, sir.

Chairman WALSH. He curses them to make them go faster?

Mr. CARROLL. That is what he does.

Commissioner O'CONNELL. The success of the boss is largely his ability to swear and get results?

Mr. CARROLL. That is his success; yes.

Commissioner O'CONNELL. The man who can swear the most and drive the men fastest is the best man?

Mr. CARROLL. He gets the most work and the most pay. That is from my point of view. I don't know about anybody else's.

Commissioner O'CONNELL. Did any of them ever strike you?

Mr. CARROLL. Strike me?

Commissioner O'CONNELL. Yes.

Mr. CARROLL. No.

Commissioner O'CONNELL. Have you seen them strike any man?

Mr. CARROLL. Never have.

Chairman WALSH. Commissioner Harriman would like to ask you a few questions.

Commissioner HARRIMAN. Mr. Carroll, why did you come here to New York?

Mr. CARROLL. I beg your pardon.

Commissioner HARRIMAN. Why did you come here to New York?

Mr. CARROLL. I came to try to better myself.

Commissioner HARRIMAN. You understood conditions were better over here in this kind of work than in England?

Mr. CARROLL. Well, they reckon \$3.30 in England per day, and they think it is an awful amount of money, and you only get \$1.25 a day there.

Commissioner HARRIMAN. That is what it is, to get higher wages?

Mr. CARROLL. Yes, madam.

Commissioner HARRIMAN. We have heard a great deal about drink among the longshoremen. Do you find there is more or less drinking here than in England?

Mr. CARROLL. Well, that is another proposition. A man that can stand at the counter and drink five drinks at home is a good man, and he will go home drunk; and here you can drink five drinks and go home sober.

Chairman WALSH. What is that?

Mr. CARROLL. From the point of view I see of the longshoremen getting drunk, you can not altogether blame the longshoremen for getting drunk, because there is so much about being up with these different shapes, and getting called at almost any time. For instance, last Wednesday—only last Wednesday I goes on the stand and I shapes on the Red Star Line.

Chairman WALSH. What?

Mr. CARROLL. I shaped on the Red Star pier last Wednesday.

Chairman WALSH. Yes.

Mr. CARROLL. And I got put to work on hides, and I had a new pair of pants on, and the hides stained my pants, and I got my pants absolutely useless, and about half past 2 the foreman came to me and told me he did not want me. I earned 48 cents that day and spoiled a \$1.50 pair of pants. That is good percentage, isn't it?

Chairman WALSH. Do you try to work steadily or not? Do you try to work steadily over here? You try to keep at work steadily, do you?

Mr. CARROLL. Yes, sir.

Chairman WALSH. About what would you say you would average per week?

Mr. CARROLL. Week in and week out?

Chairman WALSH. Week in and week out, all the year around?

Mr. CARROLL. Well, it is just according to what pier you follow. There is, you might say, only one pier that you can earn a reasonable wage.

Chairman WALSH. In the last year you worked here, did you work at this business?

Mr. CARROLL. Yes.

Chairman WALSH. What would you say you earned per week on the average?

Mr. CARROLL. Twelve dollars and fifty cents.

Chairman WALSH. Is there any difference in the amount of the labor, as a whole—the amount of material moved—which you did this year, as compared with the amount you moved the last year you were in Liverpool?

Mr. CARROLL. I don't seem to get you on that.

Chairman WALSH. I am trying to get the comparison. Did you move more or less?

Mr. CARROLL. What do you mean to state?

Chairman WALSH. Freight.

Mr. CARROLL. Do you mean to say did I work harder here than in Liverpool?
Chairman WALSH. Yes; that is it.

Mr. CARROLL. I say you work harder here than in Liverpool by a long ways.

Chairman WALSH. That is, you move more freight than in Liverpool, day in and day out, on an average?

Mr. CARROLL. Yes; you do, because there is more men hired there than what there is here.

Commissioner O'CONNELL. You worked an hour less every day over there?

Mr. CARROLL. Then we worked an hour less; and if you go to work on a Saturday your day is finished at 1 o'clock, and here it is not finished until 6.

Chairman WALSH. Are you paid for nine hours?

Mr. CARROLL. You are paid for your full nine hours. If you go to work on a Sunday, you turn to work at 7 o'clock in the morning and you knock off at 11, and you turn to at 1 and finish at 4, and you get two days' pay for that. You work seven hours. If they want you to work between 11 o'clock and 1, they have got to get a permit from the city, because that is what they call church hours, and won't allow you to work them two hours.

Chairman WALSH. I do not intend to be offensive, and you don't need to answer this if it is too personal. Why didn't you go back at the end of a year, for instance?

Mr. CARROLL. What?

Chairman WALSH. Why did you not go back to Liverpool at the end of a year, when you discovered conditions here?

Mr. CARROLL. Well, I will just tell you. I had money when I came out here, and I do not want to go home broke. [Laughter in the audience.]

Chairman WALSH. Mrs. Harriman would like to ask you some questions.

Commissioner HARRIMAN. I want to ask you if in Liverpool they have any shelters for the men between ships? We understand they have them here. Do they have them on the docks in Liverpool?

Mr. CARROLL. I have told you, from what I can make out of these clearing houses, I believe they are something like that.

Commissioner HARRIMAN. They are not on the docks. They have no room on the docks in Liverpool where the men go?

Mr. CARROLL. Not on the docks, because I will tell you, the docks are not like here; they are all closed in. Understand me? There is a big wall-like comes right along, and there is just certain gates into the docks.

Commissioner HARRIMAN. Well, in Liverpool do they have any means of looking after the men when they are injured; until the ambulance comes, what do they do with the men there?

Mr. CARROLL. Well, at one time there was a day—of course, the conditions then over there were just as they are here, until the union got hold of it, and then when they got hold of it they bettered it in every way.

Chairman WALSH. What?

Mr. CARROLL. When the union got hold of it. When I first started in at longshore work I saw a man get knocked out, I think it was on the *Roanoke*, and I saw the man get knocked off the dock with a draft of cotton, and I seen him placed on a log. Well, the man died on the log, and there was nothing said about it. That is only one instance. But, of course, since the union has got it, it has been a different verdict altogether.

Chairman WALSH. Since the unions have come in what change did they make in taking care of longshoremen that were injured?

Mr. CARROLL. Well, the point of view, they have got a chest on the dock, see, what they call a medicine chest, and some other kind of apparatus that they have got for injured people.

Chairman WALSH. Who provides that now?

Mr. CARROLL. The docks themselves.

Chairman WALSH. The steamship companies?

Mr. CARROLL. The steamship companies.

Commissioner HARRIMAN. And there is nothing of that kind here?

Mr. CARROLL. Not from what I saw.

Mr. BARNES. Do the men work long hours in Liverpool like they do here?

Mr. CARROLL. What do you mean?

Chairman WALSH. Will the union delegate permit a man working 24 or 30 hours like they do here?

Mr. CARROLL. No, sir.

Mr. BARNES. How long can they work in Liverpool?

Mr. CARROLL. They may work 20 hours in Liverpool, and if the delegate sees them working, or the stevedore sees them on the stand the following morning, he will send them away.

Mr. BARNES. He will send you away?

Mr. CARROLL. Yes, sir.

Mr. BARNES. One other thing, you talked about them employing more men. If they employed 300 men here to do the work on a certain ship, about how many men would they employ in Liverpool?

Mr. CARROLL. From my point of view, I think about 450.

Mr. BARNES. One hundred and fifty more men on the three hundred?

Mr. CARROLL. Yes, sir.

Mr. BARNES. That is all.

Chairman WALSH. That is all. Thank you, Mr. Carroll.

TESTIMONY OF MR. FRANK C. PLATTO.

Mr. BARNES. State your full name?

Mr. PLATTO. Frank C. Platto.

Mr. BARNES. Your position?

Mr. PLATTO. Timekeeper, White Star Line, Pier 60.

Mr. BARNES. Timekeeper, White Star Line, Pier 60?

Mr. PLATTO. Yes, sir.

Mr. BARNES. How long have you been timekeeper?

Mr. PLATTO. Twenty-one years.

Mr. BARNES. Have you any water-front experience prior to that?

Mr. PLATTO. Only in building the piers.

Mr. BARNES. The building of piers?

Mr. PLATTO. Yes.

Mr. BARNES. You are acquainted with about every phase of the water-front work that there is going on, are you not?

Mr. PLATTO. Well, those that come near our care.

Mr. BARNES. And about how many men in the entire port, making a rough estimate?

Mr. PLATTO. About 45,000.

Mr. BARNES. About 45,000?

Mr. PLATTO. Yes.

Mr. BARNES. Now, bearing in mind not only the Chelsea but all piers, about what do you think the average longshoremen earn per week per year?

Mr. PLATTO. Including the coal men?

Mr. BARNES. Yes; the coal men as well as the freight handlers?

Mr. PLATTO. About \$8.

Mr. BARNES. About \$8?

Mr. PLATTO. Yes.

Mr. BARNES. That would be an average per week?

Mr. PLATTO. Yes, sir.

Chairman WALSH. What is the distinction between coal men and freight handlers? Do they make more or less?

Mr. BARNES. Might I state it?

Chairman WALSH. Yes; just mention it.

Mr. BARNES. There are a number of men who coal the ship. They coal it from barges up alongside, either on the offshore or inshore side of the ship. If it is inshore the ship is basted off and the boats run alongside, and they lift the coal and take it into the port holes. What do they receive an hour?

Mr. PLATTO. Thirty-three cents days; fifty cents nights; sixty cents Sundays.

Chairman WALSH. Do they average more than the freight men in wages or less all the year around?

Mr. PLATTO. Less.

Mr. BARNES. So when you are making the \$8 estimate you are including the coal handlers, who make a little less than the regular freight handlers?

Mr. PLATTO. Yes, sir.

Mr. BARNES. About what would be the freight handlers alone?

Mr. PLATTO. On our pier?

Mr. BARNES. No; I mean the port over?

Mr. PLATTO. I should think \$10.

Mr. BARNES. \$10.

Mr. PLATTO. Yes.

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Mr. BARNES. \$10 would be a good high estimate?

Mr. PLATTO. Yes.

Mr. BARNES. Now, Mr. Platto, you are in a position to know about this; you have been timekeeper. That means you have known the pay rolls of the company's pier in this city for 18 years?

Mr. PLATTO. Twenty-one.

Mr. BARNES. Twenty-one years. You have known the pay rolls of the White Star Line for 21 years?

Mr. PLATTO. Yes.

Mr. BARNES. And you say \$10 would be an average?

Mr. PLATTO. Not on our pier.

Mr. BARNES. Not on your pier; no. I mean the port over.

Mr. PLATTO. Yes.

Mr. BARNES. Because we understand. The freight per week would be \$10; but if we include the coal handlers it would be about \$8?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Now, what about your own pier; about what would you consider the freight handlers?

Mr. PLATTO. Freight handlers?

Mr. BARNES. Freight handlers alone?

Mr. PLATTO. Well, they would average \$15.

Mr. BARNES. If you include the coal men, what would that reduce it to--the whole lot, coal men and freight handlers?

Mr. PLATTO. About \$13 50.

Mr. BARNES. In other words, the entire average of all men working who both coal and load the ship earn about \$8 a week, and the men who put the cargoes in will earn about \$10 a week?

Mr. PLATTO. Yes, sir.

Mr. BARNES. On your pier, on your particular pier, considered the best in the city, it would be about \$13 for the whole average and about \$15 for the freight?

Mr. PLATTO. Yes, sir.

Mr. BARNES. That is clear; that is clear.

About how many men do the Chelsea piers have to do the work at the Chelsea piers, the nine piers?

Mr. PLATTO. Well, I could not tell you.

Mr. BARNES. Well, could you make a rough estimate, say, in round numbers?

Mr. PLATTO. Fourteen or fifteen hundred.

Mr. BARNES. Fourteen or fifteen hundred?

Mr. PLATTO. Yes.

Mr. BARNES. Fourteen or fifteen hundred?

Mr. PLATTO. Yes, sir.

Mr. BARNES. About how many men along the water front at Chelsea are earning a living there?

Mr. PLATTO. Possibly 300 more.

Mr. BARNES. How many men do you generally turn away from the shape with a new ship?

Mr. PLATTO. At the beginning of a ship?

Mr. BARNES. At the beginning of a ship; yes, sir.

Mr. PLATTO. Probably 50 men.

Mr. BARNES. What do they turn away at the Atlantic Transfer, ordinarily?

Mr. PLATTO. I have never been there when they had a ship.

Mr. BARNES. Don't you turn away more men than the others?

Mr. PLATTO. I think so.

Mr. BARNES. If you turn away 50, how many would you employ?

Mr. PLATTO. Probably 300 or 350.

Mr. BARNES. When you turn away 50 while you employ 300 or 350 the others would proportionately turn away a higher number, one-third or one-half?

Mr. PLATTO. On some of them; no, sir.

Mr. BARNES. You have a thorough acquaintance with the gangs that work at your place?

Mr. PLATTO. Yes, sir.

Mr. BARNES. You, as I understand, rather cling to hiring the same men over as often as possible, where you find them well worthy of hiring; is that correct?

Mr. PLATTO. Yes, sir.

Mr. BARNES. For that reason you can give me this estimate of \$15, because you have a certain number of men who always show up at your place and get more regular work than at other piers?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Is not that a fact?

Mr. PLATTO. Yes, sir.

Mr. BARNES. How about your work in handling a cargo; can it not be estimated beforehand to a considerable extent the amount of work to be done?

Mr. PLATTO. As a rule; yes.

Mr. BARNES. You have heard the witness state about the Liverpool method of hiring?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Is there any such vital difference between Liverpool and New York as would render it impossible for New York to hire in the same way?

Mr. PLATTO. I think so.

Mr. BARNES. Give me your reason?

Mr. PLATTO. Well, I don't think there is—we have to turn the ships around in shorter time, and I understand they employ about three men there to our two. They get less pay, and in that way they employ more men. The rate of wage here is much higher.

Mr. BARNES. In other words, you make two men do the work of three men here?

Mr. PLATTO. No, sir; I don't think so. In a way they make it easier for them.

Mr. BARNES. Go ahead. I want you to explain why?

Mr. PLATTO. That is all I can say. It is only hearsay. I don't know it to be a fact.

Mr. BARNES. Why couldn't they be hired here at regular hours, the same as they can in Liverpool?

Mr. PLATTO. They could be hired at regular hours. They do hire them at 7 and 1 and in the evening again, if they have work.

Mr. BARNES. Do you not hire throughout the whole day? Don't you take on men and after working them for an hour lay them off and tell them not to go away? Isn't that a fact?

Mr. PLATTO. That is due to the fact that that part of the ship is discharged and there is no cargo to take in. In the meantime, if they show up, they hire them over again if there is anything for them to do.

Mr. BARNES. That condition obtains?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Would it not be possible in the port of New York to hire at 1, or in the morning, and not hire again until 1 o'clock in the afternoon?

Mr. PLATTO. Well, it might apply at some piers. I don't hardly know whether it would at ours or not at times. Sometimes the work is continuous and other times it is broken. It is rather hard to arrange.

Mr. BARNES. And yet there is not any vital difference between the way the work is carried on in New York and the way it is carried on in Liverpool, is there?

Mr. PLATTO. I think we have to handle a harder class of cargo coming from the other side.

Mr. BARNES. The cargo would not matter about the hiring of the men?

Mr. PLATTO. No, sir.

Mr. BARNES. It would be possible, then, to hire men—I mean, Mr. Platto, this: If we attempt to have a new conception of the work, a new conception of what should be delivered from the steamship companies, to the men, is it not possible that men could be hired at stated periods throughout the day, so that they could leave the water front and know it was necessary to come back or not necessary to come back until a later period?

Mr. PLATTO. I think it is more of a man's choice than anything else. They hang around in New York.

Mr. BARNES. That choice has come about through an education of about how many years?

Mr. PLATTO. My own is only 21 years.

Mr. BARNES. But it has been that way for about 21 years?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Mr. Platto, has there been any attempt in the 21 years that you have known this work, on the part of the steamship companies, any place in the work, to make a change in the method of the work, or anything of that kind?

Mr. PLATTO. Oh, I couldn't say.

Mr. BARNES. Can you give me an instance?

Mr. PLATTO. As regards the working part?

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Mr. BARNES. Well, in regard to, for instance, the methods of hiring. Are not the men hired the same way here to-day as they were 40 years ago?

Mr. PLATTO. The same as they were 21 years ago.

Mr. BARNES. The same as they were 21 years ago?

Mr. PLATTO. Yes, sir.

Mr. BARNES. You did not delve back into history to see what the conditions were 40 years ago?

Mr. PLATTO. No, sir.

Mr. BARNES. For 21 years they have been hired just the same?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Have there been changes in the port in the way of handling cargoes in that time?

Mr. PLATTO. I think it has been facilitated.

Mr. BARNES. For instance, you have the permanent Burton?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Did that help you in handling a cargo?

Mr. PLATTO. I should say so.

Mr. BARNES. Who studied that out?

Mr. PLATTO. I imagine the head stevedore, as far as I can recall.

Mr. BARNES. I understood a longshoreman did, but I don't know.

Mr. PLATTO. He attempted to, I think, but made a failure.

Mr. BARNES. He attempted to, but made a failure of it, and then the stevedore improved it?

Mr. PLATTO. Improved it.

Mr. BARNES. That change has been made?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Do you know anything about the port of Hamburg?

Mr. PLATTO. No, sir.

Mr. BARNES. Or Liverpool?

Mr. PLATTO. No, sir.

Mr. BARNES. You can not make any comparison?

Mr. PLATTO. No, sir.

Mr. BARNES. Then, if I could ask you if this is an up-to-date port you would have to say yes, because you don't know what to compare it with?

Mr. PLATTO. I couldn't make any comparison.

Mr. BARNES. Your statement on that point would not be of any value?

Mr. PLATTO. None whatever?

Mr. BARNES. Mr. Platto, what do you think about the number of accidents that occur on the piers?

Mr. PLATTO. How many there are?

Mr. BARNES. Are there a large number of accidents? Is longshore work hazardous.

Mr. PLATTO. I should say so.

Mr. BARNES. It is hazardous?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Are there a number of minor accidents occur, small accidents—crushed finger, a mashed toe, a hurt ankle—in the course of the work that are never mentioned? Are there a number of those?

Mr. PLATTO. Well, we try to get in touch with all of them, as we have reports to make, and we look after the men's condition.

Mr. BARNES. Isn't this a fact, that the longshoreman himself is rather afraid to call a thing an accident unless it is serious enough to lay him up two or three days?

Mr. PLATTO. Not on Pier 60.

Mr. BARNES. How about the rest of them?

Mr. PLATTO. No, sir.

Mr. BARNES. You don't know anything about the compensation plans. Do you enter into that in any way?

Mr. PLATTO. In what way?

Mr. BARNES. If a man is laid up three or four weeks, do you have any say as to the amount he should be paid?

Mr. PLATTO. No, sir.

Mr. BARNES. What do you do?

Mr. PLATTO. We make out a printed form and it is sent to the main office.

Mr. BARNES. You send him down to No. 9?

Mr. PLATTO. Send him?

Mr. BARNES. Yes.

Mr. PLATTO. No, sir.

Mr. BARNES. Where does he go?

Mr. PLATTO. In case he comes around for compensation he does to the general superintendent.

Mr. BARNES. You mean he is paid the compensation here on the pier?

Mr. PLATTO. Yes, sir.

Mr. BARNES. About what, if a man is laid up for three weeks, what does he receive for a hurt that does not deprive him of any member, but he is hurt; would he be paid anything if he were laid up for three weeks?

Mr. PLATTO. Yes, sir; if he came around and applied for it, and if they saw it was up to the company to pay or if he really deserved it.

Mr. BARNES. Who decides that?

Mr. PLATTO. Sometimes at 9 Broadway and sometimes by the lawyers.

Mr. BARNES. Sometimes it is decided at 9 Broadway and sometimes by the lawyer?

Mr. PLATTO. Yes, sir.

Mr. BARNES. You don't have anything to do with that decision?

Mr. PLATTO. Only that I settle with him under their directions.

Mr. BARNES. You pay out the money to him?

Mr. PLATTO. Yes, sir.

Mr. BARNES. You don't have anything to do with the decision?

Mr. PLATTO. No, sir.

Mr. BARNES. Are collections taken up on your pier for men who are injured?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Or sick?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Are longshoremen susceptible to any particular diseases?

Mr. PLATTO. Why, not—according to the large number of men which we employ, there are not many of them die off only naturally.

Mr. BARNES. What are the principal diseases that you know of?

Mr. PLATTO. Well, I don't know of any fatal one outside of their having rheumatism, maybe.

Mr. BARNES. Do you know of any diseases the longshoremen are subject to?

Mr. PLATTO. No, sir.

Mr. BARNES. You do not?

Mr. PLATTO. No, sir.

Mr. BARNES. How about the work being unskilled or skilled work; do you call it skilled or unskilled work?

Mr. PLATTO. Skilled work, I imagine.

Mr. BARNES. You pay the same rate of wage for all men who work on the pier or on the dock or in the hold?

Mr. PLATTO. No, sir. There is one man, what they call the gangway man, in the deck gang; he gets 5 cents more an hour. We term him the gangway man.

Mr. BARNES. Do you pay headers extra?

Mr. PLATTO. No, sir; not any more.

Mr. BARNES. You used to?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Five cents?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Why did you discontinue paying headers extra?

Mr. PLATTO. They put more foremen in the ship.

Mr. BARNES. More hourly foremen?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Is the hourly man in there—he looks after the workmen, and it is unnecessary to pay the header 5 cents extra?

Mr. PLATTO. Yes, sir.

Mr. BARNES. How long ago was that?

Mr. PLATTO. I should say within three years.

Mr. BARNES. What about your treatment of the men who get hurt? Where do you place them—when a man is seriously hurt?

Mr. PLATTO. He is brought up to what we call the waiting room for third-class passengers, and the ambulance is called and the doctor attends him there.

Mr. BARNES. And the doctor from the hospital?

Mr. PLATTO. Yes, sir.

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Mr. BARNES. It is rare that the doctor from the ship gets to do anything with the men, is it not?

Mr. PLATTO. Well, if it was only a slight accident, it very often happens.

Mr. BARNES. You have investigated?

Mr. PLATTO. Yes, sir.

Mr. BARNES. If it is an accident of any kind you call the ambulance?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Why was the first loading cabinet furnished by the longshoremen—why was it placed in the woman's lavatory?

Mr. PLATTO. On Pier 60?

Mr. BARNES. Yes.

Mr. PLATTO. It is down in the middle of the dock near the customhouse the last time I saw it.

Mr. BARNES. Why was it placed in the woman's lavatory?

Mr. PLATTO. I don't know that it was.

Mr. BARNES. Where is it, then?

Mr. PLATTO. Down near the customhouse in the middle of the pier the last time I noticed it.

Mr. BARNES. You haven't seen it for some time?

Mr. PLATTO. I haven't seen it for some time.

Mr. BARNES. A man stated this morning that it was in the emigrant woman's lavatory, and I wanted to know why you placed it there?

Mr. PLATTO. I don't know. I didn't know it was there.

Mr. BARNES. Did the longshoremen have to get permission to place that cabinet on the pier?

Mr. PLATTO. They did get permission.

Mr. BARNES. They asked for permission?

Mr. PLATTO. Yes, sir.

Mr. BARNES. You as a company had never placed anything of that kind on the pier?

Mr. PLATTO. No, sir.

Mr. BARNES. You never had set aside a particular room with hot and cold water?

Mr. PLATTO. There is no hot water on the pier.

Mr. BARNES. Where did the men hang their coats and hats—where do they?

Mr. PLATTO. On nails and langes of doors.

Mr. BARNES. Hinges of doors?

Mr. PLATTO. Yes, sir.

Mr. BARNES. Where did they wash?

Mr. PLATTO. Well, I don't know.

Mr. BARNES. Is there any such a thing as a towel for longshoremen on your pier?

Mr. PLATTO. No, sir.

Mr. BARNES. Your pier is the best in the city?

Mr. PLATTO. The longshoremen say so.

Mr. BARNES. Where do the men drink?

Mr. PLATTO. Down at the lower end of the customhouse there is a faucet there, and in the summertime they have a barrel that has oatmeal, etc., in it; we had ice.

Mr. BARNES. Do the men purchase that oatmeal themselves?

Mr. PLATTO. I think they do at the present time. The company used to.

Mr. BARNES. The men themselves purchase the oatmeal that goes into the water?

Mr. PLATTO. I think so.

Mr. BARNES. Do you know anything about the coastwise piers?

Mr. PLATTO. Nothing.

Mr. BARNES. You walk along the water front; you have an idea about the coastwise piers, haven't you?

Mr. PLATTO. Only this: They took possession of the piers at White Star Lane left.

Mr. BARNES. Is the standard of conditions in every way as high on the coastwise piers as it is on the foreign-commerce piers?

Mr. PLATTO. No, sir; not those that I know anything about.

Mr. BARNES. Not as high?

Mr. PLATTO. No, sir.

Mr. BARNES. In other words, the conditions that you have told me about as regard your piers, you are telling me about the highest conditions of the longshoremen in this port?

Mr. PLATTO. I think so.

Mr. BARNES. And the coastwise piers are far below?

Mr. PLATTO. I think so, from what I have seen.

Mr. BARNES. Both as regards the way they give them toilets and places to keep their hats, or water, and look after them when they are hurt, or in any of those things the coastwise is far below you?

Mr. PLATTO. I don't know that they are any better.

Mr. BARNES. That is not the question. Do you understand, as a man that understands the water front, that the coastwise piers are far below yours?

Mr. PLATTO. I think so. I don't know.

Mr. BARNES. That is all.

Commissioner LENNON. The wages of the longshoremen are now 33 cents an hour?

Mr. PLATTO. Yes, sir.

Commissioner LENNON. When was it that you first started doing that?

Mr. PLATTO. The 30 cents?

Commissioner LENNON. How long has it been 33 cents?

Mr. PLATTO. September, two years ago.

Commissioner LENNON. Was it 30 cents during the 21 years that you have been there, 21 years ago when you started in, up to 2 years ago?

Mr. PLATTO. Yes, sir.

Commissioner LENNON. No changes?

Mr. PLATTO. No, sir.

Commissioner LENNON. Have the hours of labor changed in that length of time?

Mr. PLATTO. No, sir; not on our pier.

Commissioner LENNON. It was 10 hours 21 years ago?

Mr. PLATTO. Ten hours a day and the necessary overtime.

Commissioner LENNON. Do you consider longshoremen a low class of labor?

Mr. PLATTO. Not at the place I come in contact with them, mostly.

Commissioner HARRIMAN. What are they mostly—what nationality?

Mr. PLATTO. We have on our pier, I should say, either Irish or Irish-Americans mostly. We do not employ foreigners only in the coal.

Mr. BARNES. Mr. Platto, I would like to ask you, do you believe it would be a good thing to have an inspection of gear and appliances by an outside party, connected neither with the steamship company nor with the men? Do you believe that it would be good for the State to have an inspection of all places where all men work?

Mr. PLATTO. I don't think it would be harmful.

Mr. BARNES. What do you honestly believe, as a man who knows about the accidents occurring along the water front?

Mr. PLATTO. Well, the conditions on our pier, we have an excellent storekeeper there, and he takes as good care, I suppose, as an outsider would ask for.

Mr. BARNES. I believe that. I have come in touch with your storekeeper, and I believe he is a man who ought to be a general inspector of the port. But that is not the question. I am talking of the port as a whole.

Mr. PLATTO. Why, it might help matters and relieve a number of accidents.

Mr. BARNES. You think it might help matters and relieve a number of accidents?

Mr. PLATTO. Yes.

Mr. BARNES. That is all.

Chairman WAISIL. Thank you, Mr. Platto.

Call your next witness.

TESTIMONY OF MR. CHARLES KIEHN.

Mr. BARNES. State your full name, please?

Mr. KIEHN. Charles Kiehn.

Mr. BARNES. What is your position?

Mr. KIEHN. Longshoreman.

Mr. BARNES. Are you an officer of the union in Hoboken?

Mr. KIEHN. Not at the present time.

Mr. BARNES. Are you the editor of a paper over there?

Mr. KIEHN. Yes, sir.

Mr. BARNES. What is the name of the paper?

Mr. KIEHN. The Hudson County Socialist.

Mr. BARNES. Mr. Kiehn, you have heard the witnesses here this morning, I believe, speak about the way in which longshoremen are hired?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Here in the port?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Speaking altogether of Manhattan or Brooklyn?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Now, as a longshoreman from Hoboken, I would like for you to state the other matters that obtain in that port of hiring men. State to the commissioners here the way they do it. You have an entirely different way of employing men, and I wish you would state that?

Mr. KIEHN. The system of employing men in Hoboken is by—on one pier at least—is by numbers. Each man, say, to the number of 600, has a certain number all the time in the shape of a brass check, and the foreman he calls in the morning by the hundreds, 1 to 100, and if he has not enough he calls to the 200, and so on, until the 600 are exhausted; and if he needs any more, then he will pick out the rest individually. That system prevails on the piers of the North German Lloyd. It used to be the system on the Hamburg-American Line pier, but they abolished it there and picked the men and called them afterwards—picked for the ship and called them by the gangs of the different hatches.

Mr. BARNES. They hire on the Hamburg the same as in Manhattan?

Mr. KIEHN. Not exactly the same. They have not that system down as fine as they have it on the New York side. They have not as strict control. They have a sort of a clock in the gateway where each man has to go through and is counted, and when they have the required number—it does not matter whether they are hold men, deck men, or dock men—whenever they have the required number they stop.

Mr. BARNES. Now, whether they are hired by the preferential-check system or whether hired in this other way, after they have passed the number that, we will say, under the preference, you check—after passing 600, then they are hired the same as here, by individuals?

Mr. KIEHN. Yes, sir.

Mr. BARNES. About how many men have you hired on the Hamburg pier? I mean do they when a ship comes in?

Mr. KIEHN. About 300. Not when a ship comes in, but after the ship is rigged up, ready to start.

Mr. BARNES. Do they sometimes have two ships there?

Mr. KIEHN. Two and three, and more.

Mr. BARNES. Two and three, and more?

Mr. KIEHN. Yes, sir.

Mr. BARNES. How many men have you seen hired at one time in front of the Hamburg?

Mr. KIEHN. As many as a thousand or eleven hundred.

Mr. BARNES. As many as 1,000?

Mr. KIEHN. Yes, sir.

Mr. BARNES. About how many men would go there when there would be 1,000 needed?

Mr. KIEHN. Well, there are times when there is a surplus of five or six hundred.

Mr. BARNES. Five or six hundred?

Mr. KIEHN. And there are times when they are short of men.

Mr. BARNES. Have you seen times when there were 1,500 or 1,600 men gathered in front of the pier?

Mr. KIEHN. Yes, sir; I have seen times when there was 2,000 or more.

Mr. BARNES. When they were going to take on 1,000 men to work?

Mr. KIEHN. Yes, sir.

Mr. BARNES. At a time when there would be just enough men, was that because the Rotterdam, the North German Lloyd, the Wilson, the Phoenix, and so on, had a vessel in? Where would the 1,000 men go, in excess of 2,000 men, when the Hamburg only got half of their shares?

Mr. KIEHN. I suppose they try some other dock.

Mr. BARNES. The Rotterdam, the Wilson, and the Phoenix, and the Bremen Lines, and all, are together, then—all are close together?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Have you been employed on the Hamburg Line?

Mr. KIEHN. Yes, sir.

Mr. BARNES. You heard this statement—I want to know if you know it to be true—that when 1,500 or 2,000 men showed up for this amount of work and they give the men the preference checks, that the foreman, to keep himself free from the men, had to have the hose turned on? Is that true?

Mr. KIEHN. Yes; it happens occasionally.

Mr. BARNES. Occasionally?

Mr. KIEHN. Yes; and occasionally I have seen them use a club.

Mr. BARNES. Well, I have witnessed that use of clubs.

Mr. KIEHN. Yes, sir.

Mr. BARNES. Beat the men over the face and over the head?

Mr. KIEHN. Yes—well, not over the head, but on the legs.

Mr. BARNES. On the legs?

Mr. KIEHN. Yes, sir.

Mr. BARNES. For what purpose is that done?

Mr. KIEHN. To keep them back.

Mr. BARNES. Keep them back so the foreman could see—

Mr. KIEHN. To see the men he wanted, probably, but it is all the fault of the system, I suppose. The men generally turn up for the shape on the docks where the work ceased. And I have heard talked to-day about the best dock in the city being a White Star Dock. The men generally don't consider the best dock where the work is so Taylored that they work a man's life out in 10 years.

Mr. BARNES. The work is considered easier on both the German lines in Hoboken than it is here?

Mr. KIEHN. Yes, sir; considerably easier. The gangs—there are more men in the gangs generally—

Mr. BARNES (interrupting). More men in the gangs?

Mr. KIEHN. And lately—they generally have a standard of work. Their standard of work is that kind of work that accomplishes the most in a given time, and they try to get to that same standard, and they hold up to the men on those docks on that side the White Star standard. That means the men are worked harder on the White Star than they are worked anywhere else. Shipowners consider ports most favorably that can dispatch the ship best and always hold up those ports that can dispatch the ships the quickest to the men that are slower. They do that through reports to the international association and from other sources.

Mr. BARNES. Did you ever work as a longshoreman?

Mr. KIEHN. Yes. When I was at Hamburg—when I was very young. That is some time ago. And I had been over there on a visit three years ago.

Mr. BARNES. You were over on a visit three years ago?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Just briefly tell us, Is the work better arranged over there or more or less casual here?

Mr. KIEHN. The men are employed not by the hour, but they are employed by half a day or three-quarters of a day or a whole day. When they go to work a man is guaranteed at least a half a day. The ships do not lie right at the city docks. They are away on the other side of the river, and the men have to be ferried over, and generally they have an hour and a half for dinner, but many of them can't go home for dinner, so they have—the city has established places there where the men can go to take in their lunch.

Mr. BARNES. What we in a manner call shelters here?

Mr. KIEHN. Yes; large halls where they can take in their lunch during the lunch hour.

Mr. BARNES. Then is the work less casual in that work than here?

Mr. KIEHN. Well, it is; yes; to a certain extent. Last week I had a report of the percentage of employment in the port of Hamburg, and it showed 130 men for 100 jobs. Now, that shows a smaller percentage of men for the jobs than I believe it does in New York.

Mr. BARNES. How about accidents there? Are accidents as numerous in Hamburg as here, do you think?

Mr. KIEHN. I don't think so. They have Government inspection, and it is not what it should be, but it is an inspection—a harbor inspector. He is supposed to inspect all the gear on the ships before they start to work and all the companies are bound to report all accidents to the inspectors.

Mr. BARNES. Who does that same work here when your vessels arrive over in Hoboken? Who does that same inspection over here, and does your line have the same kind of inspection over at Hoboken?

Mr. KIEHN. There is absolutely no inspection. In all America I don't believe longshore work has any kind of inspection for safeguarding men's lives. All the inspection ever I seen was for safeguarding the goods—the freight—in the interest of the insurance companies, probably.

Mr. BARNES. Are accidents numerous in Hamburg?

Mr. KIEHN. Well, I could not tell; but I don't think they are more numerous than on the other side of the river.

Mr. BARNES. I am simply asking you that, Mr. Kiehn—I don't wish to draw any comparison, but what I want to know is, longshore work is hazardous work, is it not?

Mr. KIEHN. It is, sir, considered that.

Mr. BARNES. And many men are killed at it?

Mr. KIEHN. There is quite a considerable number, during the year.

Mr. BARNES. Can you speak as to that with authority? Did you ever keep any record?

Mr. KIEHN. When I was secretary of our local we started a record book on accidents. It has since—since I got out of that job, it has been discontinued. But we try to keep a record of all accidents on the Hoboken side as far as they come to our knowledge. The record set out the accident, how it happened, on what ship, and probably what amount of compensation the man received. But it has been discontinued since I left my job as secretary.

Mr. BARNES. You have not from that, or have you, any figures to give from that record of yours?

Mr. KIEHN. No sir; not here.

Mr. BARNES. Would that record show fully the number of accidents or only just the number you learned of?

Mr. KIEHN. No, sir; I don't think it would show 50 per cent.

Mr. BARNES. Can accidents happen in one part of the ship and men in the other part of the ship not know of it.

Mr. KIEHN. They do happen sometimes; yes.

Mr. BARNES. For instance, a man may be hurt who is working at hatch No. 3 and the men in hatch No. 7 not learn of it until the next day; is that possible?

Mr. KIEHN. That is possible, sir; and some never learn of it.

Mr. BARNES. And is it probable?

Mr. KIEHN. Yes. They try to keep it as quiet as possible—every accident that happens. They call the ship's doctor, generally.

Mr. BARNES. Where are the men sent who are hurt on the Hoboken piers? What hospital?

Mr. KIEHN. St. Mary's.

Mr. BARNES. Have they any first aid to the injured?

Mr. KIEHN. No, sir; the ship's doctor or the ship's surgeon.

Mr. BARNES. Any room set apart?

Mr. KIEHN. No, sir.

Mr. BARNES. What about your conveniences there—lockers or places to keep your coats and hats?

Mr. KIEHN. None whatever.

Mr. BARNES. What about drinking water?

Mr. KIEHN. Well, a few years ago from our union we sent a committee down to offer to the superintendent that we would supply our own ice water and pay the expenses, and I suppose they didn't like that idea, but since that the men have been supplied with ice water—that is, out of barrels. It is kept clean by some old man that has been hurted there, and it is refreshed or renewed two or three times a day, and is on each pier about two or three barrels with cups there.

Mr. BARNES. You do have drinking water now?

Mr. KIEHN. Yes.

Mr. BARNES. That is just city water running over there?

Mr. KIEHN. Yes.

Mr. BARNES. Now, Mr. Kiehn, I want to ask you—you heard the statement about the Liverpool, and you know about the Hamburg, way of hiring. Do you believe it is possible for the men to be hired at stated periods in this port?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Do you think it would not be a wrong to the steamship companies to compel them to pay a half day's time every time they take a man on?

Mr. KIEHN. Not all, sir. We know that the steamship companies—that is, the company, to my knowledge, the company I am employed with, the

Hamburg-American Line, they earned 41 per cent on their capital last year. Now, out of that 41 per cent of capital, they have set apart a good big fund for a reserve fund and other funds, but I have not seen any item set apart for social work on this side of the ocean, though on the other side they have set apart certain amounts.

Mr. BARNES. Why do you think they have set aside no sum on this side for social work?

Mr. KIEHN. Because the workingmen themselves have not forced them to.

Mr. BARNES. The workingmen themselves have not forced them to do it for what reason, Mr. Kiehn? Have you a compact organization, a thorough organization of the longshoremen in this port?

Mr. KIEHN. No, sir; we have in Hoboken; the men are organized, we might say, 100 per cent, but not in the port of New York.

Mr. BARNES. How about the entire port?

Mr. KIEHN. Well, I should judge about one-fourth or one-third of the men are organized.

Mr. BARNES. Twenty-five or thirty per cent of the men of the entire port are organized?

Mr. KIEHN. Yes.

Mr. BARNES. Consequently the men of the port have very little to say about conditions?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Is that right?

Mr. KIEHN. Yes, sir; that is in some places they have gained quite a lot of advantages since organizing; but other places they were not organized, and of course they have nothing to say.

Mr. BARNES. Now, Mr. Kiehn, the longshoreman has the reputation of being a drinking man; is there any particular reason for that?

Mr. KIEHN. I suppose they are. Why, the conditions surrounding him—the longshoreman. He is compelled, if he wants to do any work or wants to earn any money, he is compelled to hang around the water fronts near the docks, and on the Hoboken side I can speak for them that there is absolutely no facilities for the longshoremen to go out of the rain or snow or bad weather of any kind except to a saloon; and that is where they generally stay and hang out—in the saloons—until the whistle blows, and they rush down to the ship.

Mr. BARNES. How long have you been here working in the trade?

Mr. KIEHN. About 18 or 20 years.

Mr. BARNES. Do you think there is as good a body of longshoremen here now as there was 15 or 20 years ago?

Mr. KIEHN. Well, there have been certain elements come in that probably are not considered as good nowadays as the men formerly were, but those old men—the conditions of those old men—they have been improved not only materially but they have been raised; the standard of living has been raised generally, so that their character has been improved lately through the organization.

Mr. BARNES. And what do you think the weekly earnings of longshoremen are—the port over?

Mr. KIEHN. About \$10, sir.

Mr. BARNES. About \$10?

Mr. KIEHN. Yes, sir.

Mr. BARNES. That means about how many days' work?

Mr. KIEHN. That is three days' work a week.

Mr. BARNES. How many days does a man have to spend to get that three days' work?

Mr. KIEHN. Well, probably he has to hang around all the time—all the days of the week.

Mr. BARNES. Six days or seven days?

Mr. KIEHN. Sometimes on Sundays when there is any prospects to get work.

Mr. BARNES. That is all.

Commissioner LENNON. For the record I would like to ask you to explain the word "shape" that has been used in connection with the men getting work—when they get a job?

Mr. KIEHN. "Shape" they call when men stand around in a circle so that the foreman or stevedore can pick out the men that he wants.

Commissioner LENNON. I wanted that in because it is a new word—or a word not used in many trades. That is all, I believe.

Chairman WALSH. Has there been any effort made, Mr. Kiehn, to establish a rule requiring the steamship companies to pay the men for half a day when they work any part of a day?

Mr. KIEHN (interrupting). No, sir; not to my knowledge.

Chairman WALSH (continuing). On behalf of the labor organizations or any other source that you know of?

Mr. KIEHN. No, sir.

Chairman WALSH. Has there been any effort made from any quarter to attempt to get the steamship companies to establish the same way or manner of employing their laborers as they do in Liverpool?

Mr. KIEHN. No, sir.

Chairman WALSH. What suggestions would you make as to what ought to be done for the betterment of these men. Take your time now, please, Mr. Kiehn, if you will, and in detail begin and tell us what you think ought to be done by governmental compulsion or otherwise; just the essential things that ought to be done for the relief of these conditions we have been hearing about?

Mr. KIEHN. Well, Mr. Chairman, I could make several suggestions, but they are only my individual opinions.

Chairman WALSH. Certainly; that is what we want. That is what they have all been giving here—just individual suggestions. Now you can tell us.

Mr. KIEHN. The sentiment of the longshoremen generally in the port of New York may be otherwise inclined, but the way I have seen men treated in other parts and other ports, I think the best way of getting any system in the way of the work of discharging and loading ships, any system in the way of employment, any system in the way of protecting the lives and health of the longshoremen, there certainly should be some Government action taken. It seems to me most American workmen and longshoremen, there is need of interference on the part of the Government—need of governmental interference. Some of them do not believe that it would be any advantage to them, but I think that a Government inspection—that the labor organizations should partly have something to say in it and that they should be partly under the control of the labor organization, the Government, and the employers, from three sides—that it would be to the advantage of the men to protect their lives and their health. Sometimes the work is carried on in such a system that it is not only that the gear is at fault, but the system of work is at fault—that the hustling and hurrying up of the work—as I said, stevedores of the steamship companies put that as a standard of work where the biggest amount of labor is performed in the shortest hour; and they try and that is their aim, to put all the different docks and the docks they have charge of up to that standard; and through this hustle and work and hurry many accidents occur. It is not always the fault of the gear. Sometimes, and very often, it is the fault of the men getting careless or reckless or trying to perform more work in order to get in good with the foreman that they get the job on the next ship again, and so on. There are lots of circumstances in connection with that.

But governmental inspection and governmental rules—there are absolutely no rules at present that would cover the work of loading and unloading ships. There are no rules for the protection, for instance, like protection by mining inspection or factory inspection. There is nothing whatsoever in longshore work. It seems outside of the realm of legislation altogether. The men that are engaged in longshore work and employed in that work are so very little known about them and about their mode of life and the way they perform their labor that it looks like tales from a strange land to some people. Probably there is no other calling in America that so little is known about and the way and system of distributing the men. There are times when in certain parts of the port there has been actual shortage of men, while in other parts not so very far away from there probably there is a big surplus of men. Probably on this basis the authorities or the employers in Liverpool established this labor exchange or this clearing house. I received a report the other day from the longshoremen's organization through the International Federation of the Longshoremen of Ghent. That is a city in Belgium. It is not a seaport, but it is a river port; but the city has established there a waiting room, together with a labor exchange.

This waiting room contains seating capacity for the men that wait for the job. It contains a bath for longshoremen that come from work. It has a restaurant in connection with it which provides wholesome food for cost, and even facilities to warm a lunch that the men have brought with them to work, and they can warm it up during the lunch hour, and all this has been supplied

by the city. It is under governmental rules. This is only on a small scale and at a small place, and probably it is not ideal; but it is a step toward really ideal conditions, and it could be duplicated in America and in New York in another form probably, but on the same lines as that. The men in New York—the longshoremen to-day in New York—have absolutely no shelter where they can go when they are unemployed or looking for employment except the saloon; and this is the bad part of hanging out in a saloon, and is certainly not to the advantage of the men morally. And when they say, as probably rightly stated this morning, that a man in 10 years, a man is worked out on the pier, it is not at all on account of the work that he might be worked out and not fit to do any more labor; but it is on account of the bad life and the hanging around the saloons and the uncertainty of employment. One day he will almost work his life out and the next two or three days have nothing to do except when he has a few spare coins to go in a saloon and spend it. This is not to the advantage of the men generally—of the longshoremen.

The Government inspection of the gear and the safeguarding of the men when at work would be one of the first steps that should be taken and a sort of system of distributing the men according to the employment—that there might be a general labor exchange and different branches of it that were connected with telephones that could distribute the men where men are wanted mostly, and take the men away from the places where there is a surplus.

Chairman WALSH. I would like to have you give us, if you can, Mr. Kiehn, typical loads that are carried by these men and the weight of them. Maybe you have heard the question before—for instance, we will take sacks of freight that ordinarily are taken on and off ships—for instance, such as sugar and grain and coffee and the weight of them?

Mr. KIEHN. Of late years down where I am employed generally we have almost altogether abolished the carrying on the piers of the Hamburg-American Line. They have established freight automobiles or small cars that take the cargoes from the ships, from the gangways, or bring them to the gangways, as the case may be, and away to the pile where they belong.

Chairman WALSH. And you dispose of it without the men carrying the loads on their backs there?

Mr. KIEHN. On the pier; yes, sir. But on the ships sometimes they do carry bags.

Chairman WALSH. Still?

Mr. KIEHN. Yes; not always.

Chairman WALSH. What weights do they carry? What are the materials, and what are the weights?

Mr. KIEHN. There is flour.

Chairman WALSH. How much would it weigh?

Mr. KIEHN. Up to 240 to 250 pounds.

Chairman WALSH. What else?

Mr. KIEHN. Bran.

Chairman WALSH. What does that weigh—a sack of bran—do you know?

Mr. KIEHN. All the way from a hundred to a hundred and eighty pounds.

Chairman WALSH. What else—potatoes?

Mr. KIEHN. Not shipped over there. There is starch and so on.

Chairman WALSH. Now, speaking about Pier 60 being the best pier, what is there to base that on—if there is anything, except the hiring of the same men which they say they attempt to do over and over again and the amount of wages they make? Is there anything else, Mr. Barnes, that they claim makes it the best pier?

Mr. BARNES. Nothing except more regularity.

Chairman WALSH. Greater regularity of employment and increased amount of earnings. Do you know of anything else that would entitle it to be called the best pier?

Mr. KIEHN. Well, I was of the impression that it was called the best pier probably because they had the best facilities to speed up the work; that is, to get the work out of the men.

Chairman WALSH. Have you had experience on that pier? Could you say how much work the men did there as compared with other piers—the Hamburg-American and these others? Have you observed that?

Mr. KIEHN. No, sir.

Chairman WALSH. Then, of course, it would be only your opinion. Now, how long have you been working—did you work as a longshoreman, as I understand, in this country?

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Mr. KIEHN. Yes, sir.

Chairman WALSH. For how long?

Mr. KIEHN. For 18 years.

Chairman WALSH. And down until what time?

Mr. KIEHN. Until the present year.

Chairman WALSH. Oh. I thought you were editing a paper now.

Mr. KIEHN. That is voluntary work—that is on the spare time.

Chairman WALSH. You are still a longshoreman, are you, working at it by the hour?

Mr. KIEHN. Yes, sir.

Chairman WALSH. Or by the day?

Mr. KIEHN. Yes; I worked last Saturday.

Chairman WALSH. Now, is it a fact that the wages have been increased only once, and that was 3 cents per hour, in the last 21 years?

Mr. KIEHN. Not over in Hoboken.

Chairman WALSH. How long has it been in Hoboken?

Mr. KIEHN. When I first started in Hoboken we were getting 25 cents an hour, day, night, and Sundays, and all times, and no overtime.

Chairman WALSH. What do you get now?

Mr. KIEHN. Thirty-three cents, fifty cents, and sixty cents.

Chairman WALSH. And for what number of hours? Have the hours been the same during all this time?

Mr. KIEHN. Yes, sir; 10 hours is the working day; 7 to 12 and 1 to 6.

Chairman WALSH. Are there any other suggestions you care to offer, Mr. Kiehn?

Mr. KIEHN. No, sir.

Commissioner O'CONNELL. You get the same rate for Sunday as for any other day?

Mr. KIEHN. No; 60 cents.

Chairman WALSH. What do you get for overtime?

Mr. KIEHN. Fifty cents for night work.

Commissioner O'CONNELL. Is that the New York rate, too?

Mr. KIEHN. That is the New York rate, too; yes, sir. I remember the last time that the company said anything in the case of wages. It was stated that they wanted to make the inducement for overtime a little larger in order to get the men at night. It seems that there is such a terrible amount of night work sometimes that the men work 20, 30, and I have seen them work over 40 hours at a stretch. I have actually seen men toppling over while they were pulling a truck on the dock, working 40 hours. I have seen men toppling over on the steam crane and falling off, working 40 hours. Now, they are not compelled to work that long, but they did come back to work in order to make up probably the lost time that is to come or has been. There has been a time when men were actually compelled to come back to make the overtime or else lose the work altogether; but through our organization we have such control that we always want to know the reason why when a man is discharged.

Commissioner O'CONNELL. Was there a scarcity of men there when they were compelled to come back?

Mr. KIEHN. Yes, sir; there was at the time when they paid them at the rate of 25 cents a night, so there was practically no inducement for men to come back to work at night or on a holiday or Sunday; and they had the check system and they gave a certain man a check number and he kept that all the time, and when he goes into the gate to the timekeeper he just calls out the number of his check.

Commissioner O'CONNELL. And if there were men in the market ready to work, would there be any efficiency in the company compelling these men to come back and work when they could have fresh men?

Mr. KIEHN. Probably would not; but they always preferred to have them.

Commissioner O'CONNELL. But a man working 40 hours would not be as good at the fortieth hour as he was at the first?

Mr. KIEHN. No, sir; not only not as good, but he would be absolutely dangerous to the men he was working with.

Commissioner O'CONNELL. I can't understand why the company, as a business matter, would not lay him off and make him go home and go to sleep, or go some place and sleep and put on a man who had had his sleep.

Mr. KIEHN. Yes; I should think so. But there were some times that there was a scarcity of men, and they were compelled to in order to dispatch the ship. But I remember the time, even if the ship was not dispatched and nothing

happened of any serious nature, I remember a time, after the lockout in Hamburg, for instance, that the men after the lockout had been declared off by the employers and the men went back to work, they had decided tacitly among themselves not to work any longer than 10 o'clock at night, it didn't matter what happened.

Commissioner O'CONNELL. And do now men work anything like 40 hours?

Mr. KIEHN. Yes.

Commissioner O'CONNELL. They do do that?

Mr. KIEHN. Well, sometimes; but very seldom, because there is a surplus of men and the stevedores themselves do not want them.

Commissioner O'CONNELL. Do they work 20 or 24 hours any more?

Mr. KIEHN. In our organization we have decided to work 20 hours, but not as much as 24. But if some man is in a pinch and is hard up he is practically compelled to make all he can, for fear that he will have nothing to do afterwards.

Commissioner O'CONNELL. You say the maximum is 20 hours in your organization that a man can work?

Mr. KIEHN. Yes, sir.

Chairman WALSH. What would you say that the average is that a man could earn on an average working day for your company; what can he earn over in your district?

Mr. KIEHN. Over in our district, probably \$14

Chairman WALSH. That is all.

Mr. BARNES. I would like to bring out from Mr. Kiehn something about this overtime. You started, Mr. Kiehn, to say that is 50 cents an hour for night work?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Now, if a man starts in at work in the morning he gets 33 cents an hour during the day hours—the 10 hours?

Mr. KIEHN. Yes, sir.

Mr. BARNES. And if he works through the night he gets 50 cents an hour for the night work?

Mr. KIEHN. Yes, sir.

Mr. BARNES. Now, if he works the next day what price would he get?

Mr. KIEHN. The day rate of 33 cents.

Mr. BARNES. He goes back to the 33-cent rate?

Mr. KIEHN. Yes. He first goes from the 50 to 60—

Mr. BARNES (interrupting). There is no such thing as overtime; it is simply nightwork. A man works for 33 cents an hour during the daylight hours—he might work 40 hours during that time—he works at 33 cents during the daylight hours and the night hours at 50 cents; is that correct?

Mr. KIEHN. Yes; he works at night for 50 cents an hour, and if he works from 6 to 7 in the morning it is 60 cents. And if he works after 7 o'clock he gets back to 33 cents.

Mr. BARNES. And if he is forced to work that extra hour he gets double rate, or 60 cents?

Mr. KIEHN. Yes, sir.

Mr. BARNES. But if he works all through the daylight hours, regardless of how long he worked before, he gets 33 cents? Is that right?

Mr. KIEHN. Yes, sir; he gets 10 hours.

Chairman WALSH. It seems to be clear they paid 50 cents for night work and 33 cents for day work, except this meal hour, for which they allowed 60 cents.

Mr. KIEHN. Yes, sir; there is one company pays by the minute. The North German Lloyd, I have heard, they blow a whistle for the men every 20 minutes, sometimes, and for the 20 minutes they pay 11 cents during the day, and they make the hour 36 cents.

Mr. BARNES. Are there any safety devices of any kind on your ship? I mean, any special safety devices around the piers?

Mr. KIEHN. None whatever that I know of.

Chairman WALSH. Mr. Garretson would like to ask you a few questions.

Commissioner GARRETSON. You say that the 10-hour day has always prevailed, even when it was 25 cents an hour, and when it is 33 cents an hour, as at the present time?

Mr. KIEHN. Yes, sir.

Commissioner GARRETSON. What significance has the 10-hour day or the 8-hour day, or any other time of day got under a system that pays by the hour, with an hour as a minimum? How does the length of the day have any application to the wage system?

Mr. KIEHN. Probably the hours over the eight hours would be considered overtime.

Commissioner GARRETSON. But if they would be paid at the rate of whether they were performing day or night—

Mr. KIEHN. Yes, sir.

Commissioner GARRETSON. And if the extent of the day has no significance whatever under the system under which you are paid?

Mr. KIEHN. No; but it is my individual opinion that a maximum number of hours should be established and that a man can be worked, where there is danger to other men.

Commissioner GARRETSON. But has it any significance whatever as a working day?

Mr. KIEHN. No, sir.

Commissioner GARRETSON. It is only a time period, beyond which you say a man should not be permitted to serve?

Mr. KIEHN. Yes, sir.

Commissioner GARRETSON. Have you any knowledge of the conditions that exist in the other ports; for instance, New Orleans, Galveston, and San Francisco?

Mr. KIEHN. Some, not—

Commissioner GARRETSON. Well, are the conditions that govern the service of longshoremen better in New Orleans, for instance, than they are in New York?

Mr. KIEHN. The men that work there say they are better.

Commissioner GARRETSON. Well, the union dominates the situation more thoroughly there than in New York?

Mr. KIEHN. Yes, sir.

Commissioner GARRETSON. Haven't they enforced a minimum allowance in New Orleans, or in Galveston; if a man works he has to be paid a quarter or half a day?

Mr. KIEHN. Yes, sir.

Commissioner GARRETSON. Do you know what it is in Frisco? Does the same condition exist there?

Mr. KIEHN. There is a nine-hour day in Frisco.

Commissioner GARRETSON. But you don't know whether a full day is paid whether a man works?

Mr. KIEHN. I don't know; no, sir.

Commissioner GARRETSON. Does the union consider the question here of establishing the Liverpool minimum, for instance?

Mr. KIEHN. I have not heard of it.

Commissioner GARRETSON. They haven't had it under consideration?

Mr. KIEHN. No, sir; not that I know of.

Commissioner GARRETSON. What proportion of the men are union men?

Mr. KIEHN. About 25 per cent?

Commissioner GARRETSON. About 25 per cent?

Mr. KIEHN. Yes, sir.

Commissioner GARRETSON. Your membership is not great enough in proportion to control the situation?

Mr. KIEHN. Over where I work, in Hoboken, we have a 100 per cent union. No man can go to work except he is a union man. But as to the whole port—

Commissioner GARRETSON. As to the whole port—

Mr. KIEHN. They are only 25 per cent.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, Mr. Kiehn. Call your next witness.

TESTIMONY OF MR. ANDREW NELSON.

Mr. BARNES. Mr. Nelson, what position do you occupy?

Mr. NELSON. Superintendent of T. Hogan & Sons.

Mr. BARNES. T. Hogan & Sons are considered the largest stevedores in the port of New York?

Mr. NELSON. Yes, sir.

Mr. BARNES. How long have you worked for them?

Mr. NELSON. About 37 or 38 years.

Mr. BARNES. Thirty-seven or 38 years; is that right?

Mr. NELSON. Yes, sir.

Mr. BARNES. You formerly were a longshore worker yourself?

Mr. NELSON. Yes.

Mr. BARNES. You know all about it?

Mr. NELSON. Pretty near.

Mr. BARNES. Have conditions changed much in the last 20 years in this port?

Mr. NELSON. Yes; a good deal.

Mr. BARNES. In what way?

Mr. NELSON. In machinery doing the labor.

Mr. BARNES. You are the stevedore that has control of the work at the Atlantic Transport Line?

Mr. NELSON. Yes; I have.

Mr. BARNES. About how many men do you hire there?

Mr. NELSON. Well, in the Atlantic Transport alone we hire about 300 men—sometimes.

Mr. BARNES. Three hundred men?

Mr. NELSON. Sometimes; sometimes not as much as that.

Mr. BARNES. When you hire 300 men, Mr. Nelson, about how many do you turn away?

Mr. NELSON. Well, sometimes we turn away none; sometimes 50; sometimes 150; it all depends on the steamers, what steamers are along the piers. Sometimes you can not get enough men; sometimes you get too many. In the summer time you can not get enough, and sometimes in the winter time we have got more than we want.

Mr. BARNES. Sometimes you have more men than you want?

Mr. NELSON. Yes, sir; in the winter time; not in the summer time.

Mr. BARNES. Then in the summer time you have more men than you can use?

Mr. NELSON. We have less men.

Mr. BARNES. You have turned away, when hiring 300 men, as high as 150, and then you run down to 50, and then occasionally you could not get enough men?

Mr. NELSON. Yes.

Mr. BARNES. Are the men doing the work to-day as good a class of men as, we will say, 25 years ago?

Mr. NELSON. Well, they are not quite so hard laborers; but they are pretty good men, though.

Mr. BARNES. Not quite as good laborers; not quite as hard laborers?

Mr. NELSON. They don't do the hard labor because they don't have to do the hard labor.

Mr. BARNES. Why do you think that is? What has been the reason for the men being of a lower grade or not as high a grade as formerly?

Mr. NELSON. Well, years ago we had the Irishman, and all good men—good, able men; the best men physically for hard labor—and them people have all died out, and we have all different nationalities. We have to-day Italians, Poles, and negroes, and everything else coming there, working side by side together.

Mr. BARNES. You don't hire them altogether, though, do you? In the same gangs?

Mr. NELSON. Well, different gangs. Sometimes altogether; sometimes different gangs. When a ship is in, we generally hire in separate gangs, and when after a little while, they go from gang to gang, working all together. So far as I understand it, they all belong to the union. That is all I know. They all carry a button, to the best of my ability. I don't know—they all belong just to that union.

Mr. BARNES. About the longshore workers. Do many longshoremen do other work than longshore work?

Mr. NELSON. No; I don't think there is. We have different specialties in longshore work. There is one class we call shenangos. They work for 1 or 2 hours, and they are shenangos.

Mr. BARNES. Shenangos has not been brought up here yet. We have got to get to that. The shenangos are really the down-and-out longshoremen that do the lighter work?

Mr. NELSON. Yes, sir; lighter and truck work.

Mr. BARNES. They are not the longshoremen that handle the cargo on your vessels?

Mr. NELSON. Well, they come in contact with us, because we take in lighters. We have no lights, but they will draw in the lighters at the same time.

Mr. BARNES. You never hire a shenango in your gang to take up cargo?

Mr. NELSON. I have, yes; hired them to get through with it.

Mr. BARNES. When you have to have men, you hire them?

Mr. NELSON. If I can not get anything else; yes.

Mr. BARNES. But a shenango is a man who has worked and drunk himself clear to the last limit, isn't that true?

Mr. NELSON. Some of them; yes.

Mr. BARNES. Isn't that true—bringing up the subject of shenangos—isn't it true that shenangos are the ones who have given the longshoremen the bad name?

Mr. NELSON. No; most of them have gone down and gone into drink, and so forth; but still there are some responsible ones; some have got good principles and some have not got it.

Mr. BARNES. Well, after a man has worked at longshore for a few years is he fit for anything else?

Mr. NELSON. Not after a man works at longshore 10 or 15 years; then he gets into a groove and is not good for anything else, I don't think.

Mr. BARNES. Why? Because it is so casual?

Mr. NELSON. Because they have so much idle time, and the men work at longshore for a couple of hours and get pretty good pay, and they hang around the water front and the storres and around the saloons, and pretty soon he hates to dig in.

Mr. BARNES. In other words, the manner in which you employ men renders them after a while unemployable at anything else?

Mr. NELSON. Principally; yes.

Mr. BARNES. The way they work the longshoremen at present makes them casual workers?

Mr. NELSON. Yes.

Commissioner GARRETSON. Did I understand you correctly, in answer to the question as to the comparison between men 25 years ago—the longshoremen of 25 years ago—and the longshoremen of to-day? He did not do as much work as he did 25 years ago, because he did not have hard work to do?

Mr. NELSON. We had harder work to do 25 years ago, because we did not have the machinery to perform it that we have to-day.

Commissioner GARRETSON. Did you hear the testimony this morning or this afternoon by the superintendent of one of the docks, that it was not uncommon for a man to work for hours carrying a load weighing 380 pounds?

Mr. NELSON. Well, we did years ago.

Commissioner GARRETSON. No; but at the present time.

Mr. NELSON. I don't think there is any 380-pound carriers at the present time.

Commissioner GARRETSON. Well, I don't know whether there is or not; I only heard the testimony.

Mr. NELSON. I don't think there is any 380. I know there is 280 pounds carried, all right, but I think that is about the highest ever.

Commissioner GARRETSON. If it is hard work to-day to carry a load for hours of 290 pounds, what load did they carry 25 years ago?

Mr. NELSON. Well, they carried about the same load; sometimes a little heavier.

Commissioner GARRETSON. Did they carry it any farther than now?

Mr. NELSON. We certainly did; we did not only carry it, but carried it 60 or 70 feet, and in those days we had smaller hatches and longer distances. To-day the steamers is nothing but hatches, and the most the men carry now is about 20 or 25 feet.

Commissioner GARRETSON. Would it make any great percentage of difference carrying the load because the distance was longer then than at the present time?

Mr. NELSON. It certainly would. It takes longer for a man to walk 60 feet than to walk 10 feet.

Commissioner GARRETSON. Would he use more time in getting rid of or taking out his load then than now?

Mr. NELSON. About the same amount of labor, when we talk of them packages.

Commissioner GARRETSON. Then the amount of work he does to-day is just as hard as he did then?

Mr. NELSON. No; it is not to-day; it is not so hard, because they don't carry the distance?

Commissioner GARRETSON. Well, then, while he is carrying it 15 feet it is not just as hard work as carrying it 60 feet?

Mr. NELSON. No; certainly not.

Mr. BARNES. I want to ask you about your pier at Atlantic Transport?
 Mr. NELSON. Yes.
 Mr. BARNES. That is one of the Chelsea piers?
 Mr. NELSON. Yes.
 Mr. BARNES. Do you have any room for giving first aid to the injured?
 Mr. NELSON. What is that?
 Mr. BARNES. Do you have any room to place a man in when he is injured?
 Mr. NELSON. No; we have nothing, but we send for the ambulance and doctor.
 Mr. BARNES. Do you have any toilet rooms, where the men can wash their hands, toilets, or anything of that kind?
 Mr. NELSON. No; we had a toilet room, but it got in such a state we had to cut it out and put a plain toilet there.
 Mr. BARNES. I mean a place to wash hands?
 Mr. NELSON. No.
 Mr. BARNES. What do the men drink from?
 Mr. NELSON. From the hydrants or a pail. We supply pails for them. In the holds and the dock. And if they want to go to the hydrant, in the middle of the pier.
 Mr. BARNES. Do they have any place to hang coats?
 Mr. NELSON. No. They would not hang them while we had them.
 Mr. BARNES. It has got so many generations of a different class behind it?
 Mr. NELSON. It certainly has.
 Mr. BARNES. That is all.
 Chairman WALSH. The commission will now stand adjourned until to-morrow morning at 10 o'clock, to meet in the reception room back of the mayor's office. (Whereupon, at 4.30 p. m., an adjournment was taken until Tuesday, June 9, 1914, at 10 o'clock a. m.)

NEW YORK CITY, June 9, 1914—10 a. m.

Present: Chairman Walsh, and Commissioners O'Connell, Garretson, Lennon, Harriman, Commons, and Delano; also Charles B. Barnes, of counsel.

Chairman WALSH. The commission will please be in order. You may proceed, Mr. Barnes.

Mr. BARNES. I would like to make a statement before I call a witness, if the chairman please. I had an interview with Dock Commissioner Smith in regard to the number of piers owned by the city, and find that the larger number of piers, and all important piers in Manhattan, are owned by the city. While they own two of the largest piers on the Brooklyn side, along with several small ones. Dock Commissioner Smith then referred me to their counsel, Mr. Frawley, and told him to give me an opinion on this question.

I asked him if it were possible for the city to require, in the leases of those piers to the steamship companies, anything regarding the hours and wages, the same as is done with the city news stands. There they have taken the position of dictating the hours and wages.

Mr. Frawley's reply was that it would be perfectly possible for the city to do it, but that they would dislike very much to do it, because it was already very hard to get the steamship companies to live up to their leases.

I will call Mr. Sullivan.

Chairman WALSH. Could you address a communication so that that opinion may be given in writing so that it could be put in the record.

Mr. BARNES. I will ask him to do it.

TESTIMONY OF MR. DANIEL SULLIVAN.

Mr. BARNES. Mr. Sullivan, state your full name, please?

Mr. SULLIVAN. Daniel Sullivan.

Mr. BARNES. What is your employment?

Mr. SULLIVAN. Longshoreman.

Mr. BARNES. Do you hold, or have you held, any position with the labor organizations?

Mr. SULLIVAN. Yes, sir; I have held general secretary of the L. U. P. A.

Mr. BARNES. How many years have you been a longshoreman?

Mr. SULLIVAN. About 32 years.

Mr. BARNES. How many?

Mr. SULLIVAN. About 32 years.

Mr. BARNES. Thirty-two years?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Have you spent most of that time in this water front here?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. About how many longshoremen, do you think, obtain a living here in this port, Mr. Sullivan?

Mr. SULLIVAN. About 45,000.

Mr. BARNES. About 45,000?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. What do you think is the average earnings the whole port over?

Mr. SULLIVAN. Nine dollars and fifty cents to ten dollars a week.

Mr. BARNES. Nine dollars and fifty cents to ten dollars a week?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. You go through the regular routine of the other longshoremen—waiting around?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Tell the commission something about the effects that that has upon you. I mean, does it have a depressing effect, or does it have an exhilarating effect, to wait around from morning till afternoon?

Mr. SULLIVAN. It does not have an exhilarating effect, because possibly a ship might not start before 10 or 11 o'clock, and stay till half past 11, and the ship may not get up until 1. You shape at 1 o'clock and start in to work for five hours in the afternoon, and the chances are you all go back at night, and then work at night. Maybe all go back to work all night, midnight supper at 11 o'clock, come back at 12 and work from there until 6 in the morning. Go home and rest five hours, come back at 1 o'clock, and continue work in the afternoon, and possibly work all the next night again, which has often been the case.

Mr. BARNES. Were you in the session here yesterday?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Did you hear the stories about the heavy weights carried?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Have you done work of that kind?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Carried heavy weights?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Heavy sacks?

Mr. SULLIVAN. Heavy sacks of flour.

Mr. BARNES. Across your back?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Do you work on the hold or on the pier?

Mr. SULLIVAN. Generally in the hold.

Mr. BARNES. Generally in the hold?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. This carrying in the hold generally goes on, even though the steamship company has an electric truck for the carrying of those weights on the pier and not in the hold, this carrying on has to be done the same as before?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. The same as it ever was?

Mr. SULLIVAN. Yes, sir. Unless on the deck there might be something; they might be able to use them on the deck, but not to advantage.

Mr. BARNES. They could be used on the pier?

Mr. SULLIVAN. On the pier; yes, sir.

Mr. BARNES. Do you call it skilled work, the work you do in the hold?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Do you receive the same rate of wages as the other men?

Mr. SULLIVAN. Yes, sir; 33 and 50.

Mr. BARNES. Tell me something about the accident. I believe you had an accident lately. Relate an account of that.

Mr. SULLIVAN. I was carrying a bag of coffee.

Mr. BARNES. How much did this coffee weigh?

Mr. SULLIVAN. About 250 pounds.

Mr. BARNES. Two hundred and fifty pounds, all right.

Mr. SULLIVAN. Working all night, and after going to midnight supper and continued about a quarter of 1 I was putting the bag on my shoulder and walked on the deck and slipped and dislocated the cartilage of my knee, slip-

ping the bag off my shoulder. I worked for possibly an hour and then the injury was so great that I had to quit. I had to quit at 4 o'clock in the morning. I tried to stay there on account of the convenience of the foreman, because he couldn't get men, and when I found I couldn't exist no longer I had to quit. The only question he put to me, he was shorthanded. I told him I couldn't stay any longer if the ship had to stay for 10 hours longer; I couldn't stick any longer.

Commissioner O'CONNELL. How long were you laid up?

Mr. SULLIVAN. Six weeks.

Commissioner O'CONNELL. Did you have any pay from the company?

Mr. SULLIVAN. I was offered \$15.

Commissioner O'CONNELL. Offered that?

Mr. SULLIVAN. Yes, sir; by the steamship company's lawyer.

Chairman WALSH. How many weeks?

Mr. SULLIVAN. Six or seven weeks.

Mr. BARNES. How about it? Are you entirely over it?

Chairman WALSH. Find out about the settlement.

Commissioner O'CONNELL. Did they settle with you in any way?

Mr. SULLIVAN. That was the intention of the company—to give compensation—and when I was sent to the company's lawyer he offered me \$15 and I told him I would not accept it.

Commissioner O'CONNELL. Has he made any different offer since?

Mr. SULLIVAN. No, sir.

Commissioner O'CONNELL. Have you worked for the company since?

Mr. SULLIVAN. No, sir; I am discriminated against.

Mr. BARNES. You took action against them?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Got a lawyer and sued them?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. They defeated you in the case?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Now, tell us something further about the accidents, you know?

Mr. SULLIVAN. Well, in regard to accidents, they are liable to occur every minute in the day, providing you are breaking out a cargo or slinging cargo or going with the fall, or something is liable to happen in regard to an accident and a man is liable to get hurt.

Mr. BARNES. Are there many accidents occurring?

Mr. SULLIVAN. Very true; there are, sir.

Mr. BARNES. Many small accidents?

Mr. SULLIVAN. Minor accidents occur possibly two or three times a day.

Mr. BARNES. Where you are working in hatch, they occur two or three times a day?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. That is, among the whole gang of men?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Take longshoremen, do they regard small hurts or do they work ahead or do they make any complaints to the company when they have a small hurt, such as a mashed finger?

Mr. SULLIVAN. No; probably, if it is not too bad, so that he could hold the hook; if he can still hold the hook, it is all right.

Mr. BARNES. But if he is laid up two or three days by it, is any complaint made then?

Mr. SULLIVAN. No, sir; he might report the accident to the foreman and he may report it to the timekeeper, but nothing is made of it.

Mr. BARNES. Now, about how many weeks would you have to be laid up before you would feel you could ask for compensation? Now, just take you yourself, if you received an accident, if you were laid up two weeks, would you ask compensation for the two weeks you were laid up?

Mr. SULLIVAN. Well, hardly, sir.

Mr. BARNES. Wouldn't consider that hardly worth while?

Mr. SULLIVAN. No.

Mr. BARNES. Is that generally the attitude of the longshoremen in that matter?

Mr. SULLIVAN. As a rule.

Mr. BARNES. If it would go three weeks, probably you would think you ought to ask something?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. But two weeks, that would be about the limit that you would not?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Regarding that discrimination against you, what about that? How do you know that?

Mr. SULLIVAN. I found that to be the fact when I went up against the assistant superintendent. He told me I would have to apply to the superintendent over him before I could go to work.

Mr. BARNES. And you never have applied to the superintendent?

Mr. SULLIVAN. No, sir.

Mr. BARNES. But you did apply to the assistant superintendent?

Mr. SULLIVAN. Yes.

Mr. BARNES. Did he tell you that he could not put you on, did he?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Now, in regard to this matter of hiring. Do you think it possible and would it meet with the approval of longshoremen that you be hired at stated hours?

Mr. SULLIVAN. Yes, sir; it would be a much better system than what is in vogue at the present time.

Mr. BARNES. This system you consider very bad?

Mr. SULLIVAN. Yes. It is detrimental to the men all the way through.

Mr. BARNES. What did you think about hiring from labor exchanges? Would you be against that as a union man?

Mr. SULLIVAN. No, sir; I would be in favor of it.

Mr. BARNES. You would be in favor of it?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Now, in regard to diseases. What diseases are prevalent among longshoremen? I mean what diseases do you think prevalent among them that are caused by their work?

Mr. SULLIVAN. Generally tuberculosis and pneumonia.

Mr. BARNES. And how about hernia and rupture?

Mr. SULLIVAN. Yes; that is pretty often brought on by the men lifting over-excessive weights.

Mr. BARNES. There is a good deal in that, is there?

Mr. SULLIVAN. Yes, sir; part of it.

Mr. BARNES. That is all.

Chairman WALSH. Mr. Garretson, have you any questions?

Commissioner GARRETSON. No.

Chairman WALSH. Or you, Mr. Lennon?

Commissioner LENNON. The work of longshoremen is considered skilled work because of the necessity of properly stowing the cargo?

Mr. SULLIVAN. Yes, sir.

Commissioner LENNON. In other words, if the cargo shifts when the vessel is out at sea—that is, if it shifts to any great extent—it becomes dangerous to the safety of the vessel?

Mr. SULLIVAN. Yes, sir.

Commissioner LENNON. And how long does it take a man to acquire real skill in stowing the cargo of a vessel? Can a green man go right in and do it?

Mr. SULLIVAN. No, sir; it possibly requires two, three, to five years' experience in ships before he can stow properly.

Commissioner LENNON. What were the grounds given for the turning down of your case?

Mr. SULLIVAN. The contention of the judge that I had a permanent walkway and he could not see how I slipped, and they claimed my injury was not as serious as I stated.

Commissioner LENNON. Well, did the court say that you were to blame for the accident, or what were the reasons given that you were defeated—because the injury was not important enough to warrant a verdict?

Mr. SULLIVAN. As long as I was not injured by my fellowman or something giving way, they claimed that I had no ground for the contention.

Commissioner LENNON. Well, have you appealed the case; are you going on with it?

Mr. SULLIVAN. No, sir; I discontinued it. My lawyer wished to appeal it, and I stopped him.

Commissioner LENNON. Do you know that the longshoremen come under the new compensation law?

Mr. SULLIVAN. Yes; I know that.

Commissioner LENNON. You understand that?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. Was your case tried before a jury?

Mr. SULLIVAN. No, sir; tried before the municipal court, at 916 Broadway.

Chairman WALSH. Was it tried on oral testimony or simply on papers?

Mr. SULLIVAN. Tried before two municipal judges.

Chairman WALSH. What was the amount sued for?

Mr. SULLIVAN. \$500.

Chairman WALSH. Are you still suffering from this injury?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. Are you a married man?

Mr. SULLIVAN. Yes.

Chairman WALSH. Have a family?

Mr. SULLIVAN. Yes.

Chairman WALSH. Any of your children grown?

Mr. SULLIVAN. Yes, sir; I have four working and one going to school.

Chairman WALSH. How many children have you?

Mr. SULLIVAN. Five out of ten.

Chairman WALSH. Boys or girls?

Mr. SULLIVAN. Four girls and one boy.

Chairman WALSH. I understand you have five children not grown?

Mr. SULLIVAN. No, sir; I have lost five.

Chairman WALSH. And five are living?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. How many are boys?

Mr. SULLIVAN. One.

Chairman WALSH. What does your boy do?

Mr. SULLIVAN. Works in the New York Transfer Co.

Chairman WALSH. In what capacity? Does he drive a wagon?

Mr. SULLIVAN. On an express wagon.

Chairman WALSH. How many boys did you say you had working?

Mr. SULLIVAN. One boy.

Chairman WALSH. And how many girls?

Mr. SULLIVAN. Three girls.

Chairman WALSH. And in what are they employed?

Mr. SULLIVAN. One with the New York Insurance Co.

Chairman WALSH. In what capacity?

Mr. SULLIVAN. As stenographer and typewriter.

Chairman WALSH. And the others?

Mr. SULLIVAN. Working in the box factory. One for the Berlin-Jones Co. and one with the Eagle Pencil Co.

Chairman WALSH. Is the oldest the stenographer or not?

Mr. SULLIVAN. No, sir; she is working in the Eagle Pencil factory.

Chairman WALSH. Or is the youngest the stenographer?

Mr. SULLIVAN. No; the third youngest, sir.

Chairman WALSH. How long have you lived in New York City?

Mr. SULLIVAN. About 36 years.

Chairman WALSH. Where has your home been during the past five years?

Mr. SULLIVAN. In the seventh assembly district, 254 Ninth Avenue.

Chairman WALSH. Where is that with reference to the docks?

Mr. SULLIVAN. Well, about three or four blocks above Twenty-first Street—
or five.

Chairman WALSH. Do you have to live convenient to your work, I take it?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. How old a man are you, Mr. Sullivan?

Mr. SULLIVAN. Fifty-three.

Chairman WALSH. And you are still working at the business?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. You have been, I take it, from your appearance, a man of good habits?

Mr. SULLIVAN. Yes; I try to.

Chairman WALSH. And you say your compensation now is, on the average all the way around, \$9.50 or \$10 a week?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. Do you still make as much as you did under the same rate, when they paid 33 cents per hour, when it was first instituted?

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Mr. SULLIVAN. No, sir; not since I have been hurt.

Chairman WALSH. But prior to your injury, your capacity was still as great to carry burdens, and everything?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. As it was when you started in?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. Outside of your injury, were you still an able man?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. Now, has been your observation during these years as to the length of life of a man at that business, the average length of life, just as you take them, with their habits and everything else? How long do they last as a longshoreman?

Mr. SULLIVAN. About 15 years; sir.

Chairman WALSH. About 15 years?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. Now, how about these loads that you carry in the hold? What are the packages that you carry—sugar, potatoes, flour, and coffee? Please tell me.

Mr. SULLIVAN. Sugar and starch—starch generally runs 280 pounds; bag flour, 280 pounds, that is large size, and small size 140 pounds; sugar, from 320 to 350 pounds; coffee runs about 200 to 225 and 250, various weights.

Chairman WALSH. Now, working in the hold day in and day out, I would like you to give the commission the knowledge you have with respect to the carrying of those loads on a man's back. You say it is a weight of 280 pounds. How frequently do you meet with that, if you do meet with it daily?

Mr. SULLIVAN. Well, that is according to the shipment. If the shipment is going to Glasgow, generally there is a pile of flour goes to Glasgow or to London, or possibly coffee going to London.

Chairman WALSH. Suppose, now, you had flour going to Glasgow or to London, or you were loading a ship for Glasgow or London, take it by the day, about how many loads of 280 pounds would you have?

Mr. SULLIVAN. Why, you may have a thousand tons of flour that would be possibly three or four lighters.

Chairman WALSH. What is the longest time; take for a month or two prior to your injury, when you were working steadily; what was the longest time you ever carried loads continuously at 250 pounds or over in the hold?

Mr. SULLIVAN. Well, I have carried as long as 30 hours.

Chairman WALSH. Now, Mr. Sullivan, that is within two or three months prior to the time you were injured?

Mr. SULLIVAN. No; not within that time.

Chairman WALSH. Well, I will call your attention to the fact that my question was within two or three months prior to the time you were injured?

Mr. SULLIVAN. No; I have not done it within that time.

Chairman WALSH. Have you carried those loads within that time?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. Loads of 250 pounds or more?

Mr. SULLIVAN. Yes.

Chairman WALSH. For how long a time on a stretch?

Mr. SULLIVAN. Well, for 15 hours.

Chairman WALSH. You were then 52 years old?

Mr. SULLIVAN. Fifty-two years old.

Chairman WALSH. As to the temperature in the hold, how does it range?

Mr. SULLIVAN. Well, it is about normal.

Chairman WALSH. About normal?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. Now, on the docks where you have worked, have you observed whether or not there was any inspection by any person of the tackle and appliances with which you worked?

Mr. SULLIVAN. Well, only body I know to inspect is the storekeeper.

Chairman WALSH. At what dock?

Mr. SULLIVAN. On every pier.

Chairman WALSH. On every pier?

Mr. SULLIVAN. He is appointed for that work, and before he gives out the gear he is supposed to inspect it and see that it is in good condition for the men to work with.

Chairman WALSH. How frequently did he inspect it after it was given out?

Mr. SULLIVAN. Well, that I can not say.

Chairman WALSH. Well, after the tackle was given out and the appliances were given out, then whose duty, if it is any one's, was it to inspect it and see that it was kept up in condition?

Mr. SULLIVAN. The gangway man; that is, the man that is using it.

Chairman WALSH. A laborer?

Mr. SULLIVAN. Yes, sir.

Chairman WALSH. That is all.

Mr. BARNES. You know about the shelter?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Do you think it is a good thing, or has been a good thing, for the longshoremen?

Mr. SULLIVAN. Well, it is a good idea, for it keeps a lot of men off the streets, Mr. Barnes, in stormy days, and prevents lots of men going to saloons.

Mr. BARNES. How about the unions here—up until how long ago has there been two unions in the port?

Mr. SULLIVAN. Since 1907.

Mr. BARNES. Up until now?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Now they are going together?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. And heretofore they have been opposing elements?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. That is done away with now?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Now, I want to ask you with reference to the hatch covers that you cover the hatch openings with at night when you get done. Now, are those hatch covers often used as skids over which to pass freight?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. And the result is what?

Mr. SULLIVAN. The result is sometimes they shorten them.

Mr. BARNES. That is, where the edges are worn?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. Then what is the result of that?

Mr. SULLIVAN. Sometimes liable to drop down and somebody gets killed.

Mr. BARNES. Do you know that to be the cause of accidents?

Mr. SULLIVAN. Yes, sir; I have seen accidents of that kind occur.

Mr. BARNES. You personally have witnessed it?

Mr. SULLIVAN. Yes, sir.

Mr. BARNES. That is all.

Chairman WALSH. That is all; thank you, Mr. Sullivan.

Call your next, Mr. Barnes.

Mr. BARNES. Mr. Campbell.

TESTIMONY OF MR. JOHN GEORGE CAMPBELL.

Mr. BARNES. You may state your name and business.

Mr. CAMPBELL. John George Campbell; work as storekeeper on Pier 60 of the White Star Line.

Chairman WALSH. You may take the seat there, Mr. Campbell.

Mr. BARNES. Mr. Campbell, how long have you been in longshore work?

Mr. CAMPBELL. Twenty-eight years.

Mr. BARNES. How long have you been storekeeper in this place?

Mr. CAMPBELL. For 10 years.

Mr. BARNES. Do you have charge of all the gear and appliances used in handling cargoes?

Mr. CAMPBELL. Yes, sir.

Mr. BARNES. You give it out?

Mr. CAMPBELL. Yes, sir.

Mr. BARNES. You look over it? Is it a part of your duty after giving it out to look over it on the ship, or is that left to someone else?

Mr. CAMPBELL. As a rule, it is left to the men in charge of the hatches.

Mr. BARNES. It is only your duty to see that when it leaves your storeroom it is in good condition and proper rope or chain, or whatever it may be, for doing the work called for?

Mr. CAMPBELL. Yes, sir.

Mr. BARNES. Then the inspection of all this is really under the man, we will say, the gangway man, or the foreman, as a rule?

Mr. CAMPBELL. While it is in use. As it leaves the storeroom it is all thoroughly inspected by the storekeeper before going out. When it is out in use the gangway man and the men in charge of the different hatches; generally they are qualified enough to look after that part of it themselves. If they see anything that requires renewing, they will have it done.

Mr. BARNES. It would be their duty—that is, the duty of the gangway man and the ordinary longshoreman—it is his duty to complain to the foreman if he saw anything wrong?

Mr. CAMPBELL. Yes, sir.

Mr. BARNES. Now, the pier on which you work is a very well-conducted pier, and you, as storekeeper, look carefully as to the different things that go out of your hands—the same things that you tell us here would occur on other piers?

Mr. CAMPBELL. I can not speak for other piers, sir. I speak simply for Pier 60.

Mr. BARNES. Have you knowledge of the other piers at all?

Mr. CAMPBELL. No, sir.

Mr. BARNES. Nothing but hearsay?

Mr. CAMPBELL. Only hearsay.

Mr. BARNES. What would you think, Mr. Campbell, of a system of State inspection? Do you think it would be a good thing?

Mr. CAMPBELL. Might work all right.

Mr. BARNES. Work all right?

Mr. CAMPBELL. I guess so.

Mr. BARNES. Mr. Campbell, what about accidents? Are accidents frequent in longshore work?

Mr. CAMPBELL. Well, they are—some serious and some very minor.

Mr. BARNES. Do you consider longshore work a hazardous work?

Mr. CAMPBELL. It is, sir, to a certain extent.

Mr. BARNES. Will you name some other work you know of that has as great a hazard?

Mr. CAMPBELL. Shipbuilders, metal workers.

Mr. BARNES. What do you mean by "metal workers"?

Mr. CAMPBELL. That is, who put up buildings.

Mr. BARNES. Now, Mr. Campbell, you know something about the way the men are hired there, and they are taken on and put off every hour, are they not?

Mr. CAMPBELL. Yes, sir.

Mr. BARNES. That is all.

Chairman WALSH. That is all, thank you, Mr. Campbell.

TESTIMONY OF MR. R. G. PALFERY.

Mr. BARNES. State your full name and position.

Mr. PALFERY. R. G. Palfery, assistant superintendent of the Cunard piers.

Mr. BARNES. How long have you been connected with the Cunard Co.?

Mr. PALFERY. Since December last.

Mr. BARNES. What position did you hold last?

Mr. PALFERY. General superintendent of the New York Dock Co.

Mr. BARNES. That is the company that has piers over in Brooklyn?

Mr. PALFERY. Yes; the Brooklyn water front.

Mr. BARNES. You are very well acquainted with longshore work in the port?

Mr. PALFERY. Yes, sir.

Mr. BARNES. How many longshoremen do you think there are in this port?

Mr. PALFERY. About 50,000.

Mr. BARNES. Is the hiring over at the piers where you formerly worked the same as the hiring here?

Mr. PALFERY. The same; but I had nothing to do with those piers, however.

Mr. BARNES. You know, however, that it was carried on just the same?

Mr. PALFERY. Yes, sir; very similar.

Mr. BARNES. Mr. Palfery, what about your knowledge of work as carried on abroad?

Mr. PALFERY. In what respect?

Mr. BARNES. With respect both to the handling of the cargo—that is, the mechanism—and also as to the hiring of the men?

Mr. PALFERY. Very similar to New York City.

Mr. BARNES. What is your knowledge, for instance, of Hamburg or Liverpool?

Mr. PALFERY. Much about the same as New York.

Mr. BARNES. No; I say, what is your knowledge of Liverpool? How do you come by your knowledge?

Mr. PALFERY. I was sailing out of there for 20 years.

Mr. BARNES. You have been sailing out of there for 20 years? Have you been in Hamburg?

Mr. PALFERY. I have; yes, sir; on one occasion; that is all.

Mr. BARNES. What do you know about the handling of cargoes there—the way in which it is handled in the last few years?

Mr. PALFERY. No; it is 20 years since I was there, and I have really forgotten.

Mr. BARNES. So you could not make any comparison with Hamburg?

Mr. PALFERY. No, sir.

Mr. BARNES. So far as Liverpool is concerned, you say the conditions there for carrying on the work are about the same as they are here?

Mr. PALFERY. Yes, sir; with the exception of the cranes for holsting goods out of the holds.

Mr. BARNES. Does that seem to be a better plan?

Mr. PALFERY. At times; yes.

Mr. BARNES. Now, as regards the matter of hiring the men; you know something about the way it is carried on in Liverpool at the present time?

Mr. PALFERY. Yes, sir.

Mr. BARNES. Would that be possible in New York City?

Mr. PALFERY. At times I think it would. Conditions are somewhat different.

Mr. BARNES. Mr. Palfery, are you aware of the fact that for 20 years the company employed men by the week, the company you are now with?

Mr. PALFERY. Yes, sir.

Mr. BARNES. They did that for a number of years?

Mr. PALFERY. Yes, sir; I believe so.

Mr. BARNES. Do you know of any other company in the port of New York that hired men by the week?

Mr. PALFERY. No, sir.

Mr. BARNES. You are very well acquainted with the English situation, then?

Mr. PALFERY. Yes, sir; fairly well.

Mr. BARNES. Is the longshore work in England under the factory and workshop act?

Mr. PALFERY. No, sir; not to my knowledge.

Mr. BARNES. Not to your knowledge?

Mr. PALFERY. No, sir.

Mr. BARNES. You don't know that for several years now that the work in the ports of England have been under the factory and workshop act, and that they have regular State or Government inspectors?

Mr. PALFERY. No, sir; I didn't know that.

Mr. BARNES. Do you have any inspection here at all?

Mr. PALFERY. Not State inspection.

Mr. BARNES. I mean, what sort of inspection do you have on your pier?

Mr. PALFERY. In what respect—cargo or—

Mr. BARNES. Inspection of the handling of cargo—the appliances and falls?

Mr. PALFERY. We have men appointed—what we call shore gangs and riggers, to attend to all the gear, and also storekeepers.

Mr. BARNES. You heard Mr. Campbell's testimony about the storekeeper; are your storekeepers the same as Mr. Campbell?

Mr. PALFERY. Yes, sir.

Mr. BARNES. Do you have any regular man whose business it is to do nothing else but inspect?

Mr. PALFERY. Yes, sir; we have two men. One man takes two piers and has a gang, and the other man takes one pier.

Mr. BARNES. Is he a regular longshoreman?

Mr. PALFERY. No, sir; he is what we term a boatswain.

Mr. BARNES. He is hired by the week, is he?

Mr. PALFERY. Yes, sir.

Mr. BARNES. What do you believe the earnings of longshoremen in this port to be; I mean to take the port over?

Mr. PALFERY. I couldn't judge the port over, but judging from our piers the longshoremen make about \$16 a week.

Mr. BARNES. Do you mean coal handlers and all, or do you just mean the freight men?

Mr. PALFERY. The coal handlers we have nothing to do with. That is done by Italians.

Mr. BARNES. You do not count those in your estimate?

Mr. PALFERY. No, sir.

Mr. BARNES. Fifteen dollars for the freight handlers?

Mr. PALFERY. Yes, sir.

Mr. BARNES. How about the number of accidents that occur in dock work? Do you consider it a hazardous work?

Mr. PALFERY. No, sir; I do not.

Mr. BARNES. You do not?

Mr. PALFERY. Excepting in certain, special conditions.

Mr. BARNES. What are those special conditions?

Mr. PALFERY. When we are lifting heavy weights.

Mr. BARNES. Are men ever hurt in the hold by falling objects, as well as—

Mr. PALFERY. We have very few accidents of that kind.

Mr. BARNES. I am not speaking of your dock in particular, but the other docks. Are men hurt?

Mr. PALFERY. In the hold?

Mr. BARNES. Yes.

Mr. PALFERY. I believe they are.

Mr. BARNES. How about men being knocked off the ships?

Mr. PALFERY. You mean from the deck to the hold?

Mr. BARNES. Yes; does that occur?

Mr. PALFERY. I think that is very often a man's own fault.

Mr. BARNES. But it does occur?

Mr. PALFERY. It does occur; yes sir.

Mr. BARNES. How about minor hurts? Do you think there are many among the men?

Mr. PALFERY. There are many minor occurrences through inexperienced men.

Mr. BARNES. Through inexperienced men?

Mr. PALFERY. Yes, sir.

Mr. BARNES. What do you mean by that?

Mr. PALFERY. Well, the experienced longshoreman will tell you himself that when he is working alongside of a man who is inexperienced he is liable to have an accident himself. It depends on the foreman to hire the best men he can get. Sometimes there are not enough longshoremen.

Mr. BARNES. How about taking up collections? Are collections for injured longshoremen taken up on your pier?

Mr. PALFERY. Not by us; by the men themselves.

Mr. BARNES. They attend to that altogether?

Mr. PALFERY. Yes, sir.

Mr. BARNES. That is a custom on your pier?

Mr. PALFERY. It has been done; yes, sir.

Mr. BARNES. That is all.

Commissioner GARRETSON. You do not consider the calling of a longshoreman a very dangerous one?

Mr. PALFERY. No, sir.

Commissioner GARRETSON. If it is not, why is it testified here by men representing the companies that the insurance rates are prohibitive?

Mr. PALFERY. That is entirely a matter with them.

Commissioner GARRETSON. What?

Mr. PALFERY. That is a matter for them. That is my experience.

Commissioner GARRETSON. A matter for whom?

Mr. PALFERY. The people putting that to the front.

Commissioner GARRETSON. It has been testified that the rate for insuring longshoremen is so high that it is cheaper for the company to underwrite its own risks?

Mr. PALFERY. It is not desirable, only in certain conditions.

Commissioner GARRETSON. Insurance rates tell nothing in regard to the risks of the business?

Mr. PALFERY. I do not say that.

Commissioner GARRETSON. Then if it is not dangerous, why is the rate high?

Mr. PALFERY. I don't know.

Commissioner GARRETSON. You do know, though, that the business is not one of risk?

Mr. PALFERY. Under certain conditions; yes, sir.

Commissioner GARRETSON. Oh, under certain conditions.

Mr. PALFERY. Yes, sir.

Commissioner GARRETSON. What are those conditions?

Mr. PALFERY. Under certain conditions, or when you have got inexperienced men handling it.

Commissioner GARRETSON. Then it depends on the man to guard against the business?

Mr. PALFERY. Yes, sir.

Commissioner GARRETSON. Then there never was a man killed in war unless he went to war, was there? War is quoted somewhat risky for soldiers?

Mr. PALFERY. Yes, sir.

Commissioner GARRETSON. If he did not become a soldier, he did not accept the risks of war?

Mr. PALFERY. No, sir.

Commissioner GARRETSON. And if he does not become a longshoreman it is not a risky business?

Mr. PALFERY. That is all right.

Commissioner GARRETSON. You referred to the method of hiring men that obtains in Liverpool as possible in New York. How was it, a portion of the time?

Mr. PALFERY. At times; yes, sir.

Commissioner GARRETSON. What is the drawback the balance of the time?

Mr. PALFERY. Well, take for instance we have a ship coming in in the morning; it is supposed to arrive at 10 o'clock; she does not get up here until 12.

Commissioner GARRETSON. Then it is a question of cost?

Mr. PALFERY. Yes, sir; a question of cost. We would possibly have to have about 250 men waiting for a ship.

Commissioner GARRETSON. Abolish the question of added cost?

Mr. PALFERY. Yes, sir.

Commissioner GARRETSON. And the Liverpool plan would be perfectly practicable here?

Mr. PALFERY. Under certain conditions.

Commissioner GARRETSON. That is a saving clause, under certain conditions?

Mr. PALFERY. Yes, sir.

Commissioner GARRETSON. It is a risky condition under certain conditions?

Mr. PALFERY. Yes, sir.

Commissioner GARRETSON. And it is nonrisky under certain conditions?

Mr. PALFERY. Yes, sir.

Commissioner GARRETSON. And if you could abolish cost, if you could abolish cost under certain conditions?

Mr. PALFERY. Yes, sir.

Commissioner GARRETSON. In every movement men have made for their own betterment, in wages, or in conditions, hasn't it always been a question of cost?

Mr. PALFERY. I don't know.

Commissioner GARRETSON. In what case not?

Mr. PALFERY. I don't know.

Commissioner GARRETSON. Isn't that ordinarily the dominating feature of disagreement as between men and manager that underlies collective dealing, that collective dealing is apt to force cost upon the employer?

Mr. PALFERY. I don't know.

Commissioner GARRETSON. How is that?

Mr. PALFERY. I don't know.

Commissioner GARRETSON. You don't?

Mr. PALFERY. No.

Commissioner GARRETSON. That is all, Mr. Chairman.

Mr. BARNES. About shelters, you have three piers, I believe?

Mr. PALFERY. Yes.

Mr. BARNES. Has your company ever erected a shelter of any kind at any point?

Mr. PALFERY. No, sir; we allow the men to come inside when it is raining.

Mr. BARNES. When they are not employed?

Mr. PALFERY. Yes, sir; when we expect to employ them. When there is any ship there they are at liberty to come in.

Mr. BARNES. How about a place for placing the men after they are injured?

Mr. PALFERY. Yes, sir.

Mr. BARNES. Do you have any place where you can give them shelter?

Mr. PALFERY. Yes, sir; we have a man, first aid to injured, on the job all the time.

Mr. BARNES. A man for that?

Mr. PALFREY. Yes, sir.

Mr. BARNES. Have you a room set apart for that?

Mr. PALFREY. Several rooms; yes, sir.

Mr. BARNES. Have you a room set apart there for that?

Mr. PALFREY. Not one particular room, but several we can make use of.

Mr. BARNES. They are used for other purposes as well?

Mr. PALFREY. Yes, sir; we have ships to call on at any moment.

Mr. BARNES. You do not have rooms with hot and cold water and bandages and things of that kind?

Mr. PALFREY. No, sir; not absolutely.

Chairman WALSH. What is the name of the man who has charge of the dock that gives first aid to the injured?

Mr. PALFREY. I couldn't tell you the name of the man.

Chairman WALSH. Is he on your dock?

Mr. PALFREY. Yes, sir.

Chairman WALSH. How long has he been there?

Mr. PALFREY. Possibly about 12 months.

Chairman WALSH. Will you please send his name?

Mr. PALFREY. Yes, sir.

Chairman WALSH. Will you telephone in when you go back?

Mr. PALFREY. Yes, sir.

(The name subsequently furnished is as follows: Louis Franklin, special officer, 1062 Jackson Avenue, Bronx, New York City.)

Commissioner GARRETSON. And the term of service?

Mr. BARNES. You will phone in the name of this man that you have that gives first aid to the injured?

Mr. PALFREY. Yes, sir.

Mr. BARNES. That is all I have.

Chairman WALSH. Thank you; that is all.

Mr. BARNES. You will arrange with the sergeant at arms where he can phone you?

Mr. PALFREY. Yes, sir.

TESTIMONY OF MISS MARY OAKLEY HAY.

Mr. BARNES. Miss Hay, will you state your present position?

Miss HAY. I am general secretary of the Associated Charities of Pottstown.

Mr. BARNES. Of Pottstown, Pa.?

Miss HAY. Yes, sir.

Mr. BARNES. Before you took that position what position did you hold here in this city?

Miss HAY. I was a visitor for the association for improving the condition of the poor.

Mr. BARNES. Where was your district?

Miss HAY. My district was from Chambers Street to Fourteenth Street, and running east as far as the Hudson.

Mr. BARNES. That is, you took the water front?

Miss HAY. Yes, sir.

Mr. BARNES. From what street?

Miss HAY. Chambers Street to Fourteenth Street.

Mr. BARNES. About how many blocks north and south?

Miss HAY. About 52, I think.

Mr. BARNES. It was your duty, as an agent of the A. I. C. P., to work among the people in the various lines?

Miss HAY. Yes, sir.

Mr. BARNES. Will you go ahead and tell the commission something about your experience with longshoremen?

Miss HAY. Yes, sir.

Mr. BARNES. As I understand you, on account of that district you came in contact with a number of longshoremen?

Miss HAY. My district was almost exclusively made up of the families of longshoremen. That is, the people with whom I dealt were all longshoremen, except 3 out of 125 families which I had under my care.

I was sent there, told when I went there that it was one of the most difficult, most hopeless districts of the city, because of the drinking of the longshoremen, because no one understood them, and I think I was rather pitted

by most of the visitors for having to take a position down there. I found before I had been there very long that the problem of the homes, of reconstructing those homes, lay entirely with what we could do to change the lives of the men, because of the irregularity of the hours of work, the wage, and the drinking, and the physical disease which came about through the irregularity of their life made the problem of the home impossible to solve unless something could be done to change that work with the men. Before I had been there many months I stated to my superintendent that I felt that we might go on pouring out relief to those families for 40 or 50 years, and we never would be touching the seat of the trouble. There was no place I found provided for the men to rest in while they were waiting for their boats. In going up and down West Street to find out something about the way in which they spent their time, and the kind of work which they were accustomed to doing, the hazard on the docks, and everything which really pertained to their life, I found that none of the seamen's places which are open to sailors along the water front were habituated at all by any of the longshoremen; that it was almost a caste between the two; they had nothing to do with each other, so that the only place open to those men for rest or protection from the storms in winter and from the heat in the summer was the saloons.

Of course, it is not necessary to say that that water front is lined with saloons. I know from the men themselves that those saloons are of the very worst type. A man sometimes does not have time to go home to his luncheon, because he may be too many blocks away. Sometimes the hour's nooning, I am told by the men, is shortened; he will be obliged to get back to his work sooner than within the hour. In that case he very often goes to the saloon for the free lunch which is given, and the free lunch is probably, it is probably unnecessary to say, the worst food that could be served to a man; probably he would not be able to take it except for the drink. Then he comes out exhausted, and he needs a drink to stimulate him. Those, of course, are facts that were brought to me by daily visitation in those homes, hearing the stories. Men become drunkards through their lives, a great many of them, and sometimes the wives. Of course, the longshoremen with whom I dealt were all coastwise men, I think, with the exception of three or four families, and the conditions on the coastwise lines are very much worse than those upon the other lines of vessels. The coastwise men are not unionized. I think you will find the "chenango"—that is the term given to a tramp longshoreman—is more prevalent; there are more of them through that coastwise district than in any other district in the city.

MR. BARNES. Tell me something, Miss Hay, about the study you made of 125. Didn't you make a study of the 125 families?

MISS HAY. I did to a certain degree; yes, sir.

MR. BARNES. What diseases did you find?

MISS HAY. We had a rough estimate; about 45 per cent of our cases die of tuberculosis. The records of those cases could be found in the records of the A. I. C. P. I have had one man in the third stage; he is now in Seaton Hospital, where I removed him to that hospital; and several in the second stage; there were probably a great many in the first stage—

MR. BARNES. Still working.

MISS HAY. Yes, sir.

MR. BARNES. What move did you make looking to their betterment? Did you make any move at all in the district? I mean, did you go to the superintendents of the piers, or anybody?

MISS HAY. Yes, sir; I did. I talked to Mr. Munson, one of the Brooklyn lines; I talked to Mr. Walker, of the Old Dominion Line; to Mr. Pleasance, who is vice president of the Clyde Line. They all seemed to be very much interested. My plan for them was to duplicate what has already been cited—the one rest at Twenty-third Street. I had found what effectual work that was doing, and, of course, I found in the course of my work that other people had become interested in the same thing and had felt that that was the proper solution of the problem. All of those men to whom I spoke—I spoke to a good many of the superintendents and the timekeepers—and I think there were not very many along the water front there whom I did not talk to in the course of the months in which I was there, because I had to go to them oftentimes in order to get a man back into his position. Sometimes it was a difficult problem, because the men were only known by numbers—by the checks—not by name. That was true on the Clyde Line when I left here.

Chairman WALSH. On what line?

Miss HAY. On the Clyde Line.

There seemed to be a general opinion among the men that that was the most hazardous line to work on in the city. I don't know why. In talking to those men I had hoped that the steamship companies would see that it was to their advantage to have those rests and would help in taking up the matter and furnishing the funds. My own organization did not feel that they could finance a scheme of that kind, although they felt it was a good plan. In going to those men, they all of them said that they felt the need; that it would be a good solution of the problem; they felt that the irregularity underlain the drunkenness, and they felt that the rest would be a good thing, and I was received very courteously, but nothing was ever done. I asked for a delegate to be sent to some of the meetings which I had started for longshoremen in the interests of those rests, and I asked for steamship delegates, and several were promises; but one came. He was not a great help to us, and came without any promise—any definite promise of assistance—at all. After that no one came, though we continually sent invitations. Those meetings were held at Greenwich House during the whole summer of last year.

Mr. BARNES. Tell me what you learned in visiting those families and going around the piers. What did you learn about accidents?

Miss HAY. That they were very frequent. I have been told by a great number of men that they occur at least once a day on each pier in the North River.

Mr. BARNES. Meaning by that a serious accident?

Miss HAY. I can not say as to that.

Mr. BARNES. Did you find that the longshoremen regard the small hurts as accidents?

Miss HAY. No, sir.

Mr. BARNES. Would they have meant one of those, that if a man simply got two fingers badly mashed, they would not call that an accident on the pier?

Miss HAY. I had a man go to work after about a week and a half after he had his shoulder pulled out of joint; he felt that he must go back.

Mr. BARNES. He could work with his arm in that condition?

Miss HAY. Yes, sir.

Mr. BARNES. In connection with your investigation on the water front, which, I think, bears some on this subject, didn't you visit many of the coal barges?

Miss HAY. I did.

Mr. BARNES. And take up the subject of the women and children on them?

Miss HAY. I did.

Mr. BARNES. Tell us something about the schooling of the children and the kind of women on the boats.

Miss HAY. I had called at the union rooms of the longshoremen's union to obtain the services of a man whom I wanted to speak at one of my meetings. We were holding our meetings then at St. George's Memorial House here. A man came forward and stated he wished some one would take an interest in the number of children on those barges who were getting no education. His estimate was that there were about 4,000 children on those barges who had no chance for education. He had formerly been a captain of one of the coal barges and had come ashore because he felt that he could not educate his one child there. His whole heart really was in changing that condition. He became the leader, I think, of that union. I succeeded in having a boat offered to me by the Seamen's Church Institute, in putting the matter before Mr. Dean, the superintendent of the institute, they offered me this barge, and I obtained the permission of my society to take about four or five days out of my week for an investigation of those barges.

I think we saw, probably, in visiting Newtown Creek and Jay Street, Court Street, St. George, one or two other points, I think we boarded probably 30 boats. Of course we saw any number of others. I talked with the families on those boats, going with this union man who could, of course, get me access to homes to which I could not have gotten into without his assistance.

Mr. BARNES. You mean the homes on the barges?

Miss HAY. The homes on the barges. I found that the wage, which has since been raised, was too small to permit of the families living on shore, and that there were a number of children, the average on those barges never getting any schooling. The average size of the barge is 10 by 12 feet—that is, the cabin part of the barge; that is sometimes in one room and sometimes divided into two rooms. In those rooms I have seen a family of eight living. Part of those

children, two of those children, 17 and 19 years old, and four adults besides. I am told that there are larger—

Chairman WALSH. Four adults and four children?

Miss HAY. Four adults and four children.

Later I went to a meeting which was held by the bargemen, and after that meeting arrangements were made so that they could come to the room in which I had a table given me and where a friend was with me to get their testimony. I told me the story of their families. One captain told me of his whole life. He had lost a limb, he had always lived on board the vessel, was brought up on a canal boat, and had known nothing but that life. He has never had any education. Neither had his wife. Neither he nor his wife could write their names, and only two of the children had had any education whatever. That education had extended over a three months' period, and through some trouble on the boat he had lost his position, and they were obliged to be on-shore.

Mr. BARNES. Did you take up the matter with the board of education here in the city?

Miss HAY. I did; as soon as I heard of the number of children I went directly to Mr. Findlay, whom I had known and who was then just undertaking his work as superintendent of education.

Mr. BARNES. You mean Mr. John H. Findlay?

Miss HAY. Mr. John H. Findlay, and Mr. Findlay referred it to the census board. The census board, upon whom I called about a week later, had gotten a very small return. I couldn't understand it, and in asking the men why that was this was their statement: "No inspector of any kind has been on our boats for at least 10 years." Do you know the way they take the census? They go to the coal companies and ask how many children there are, and then they walk along the shore and take the names of the boats. I don't know how true that is, but that has been the statement from a number of bargemen to me. There are 3,200 of those coal barges.

Chairman WALSH. How many?

Miss HAY. Three thousand two hundred plying in and out of the New York Harbor, and from the coal companies themselves I learned that 1,000 of those men were rated with families. Averaging 3 children to a family, you would have your 3,000 children; and that probably is not a large estimate, considering the numbers of other barges which are also in the harbor.

Mr. BARNES. Miss Hay, do you believe there is much immorality on those barges?

Miss HAY. I have been told there was.

Mr. BARNES. You never heard of a case of the so-called white slavery, or anything of that kind in connection with it?

Miss HAY. No, sir.

Mr. BARNES. You never did?

Miss HAY. No, sir.

Mr. BARNES. Never did?

Chairman WALSH. Do you want to ask any questions?

Commissioner HARRIMAN. Yes; I would like to ask a few.

I would like to know if you have thought of any definite changes that would improve the conditions surrounding the longshoremen?

Miss HAY. I think the rest is one of the most necessary.

Commissioner HARRIMAN. What is it?

Miss HAY. Putting up the rests, like the reading room which is at Twenty-second Street; I think that should be along the water front.

I can not see why there can be telephonic communication between those rests and the exchange companies, so that those men might know when they could be employed.

Commissioner HARRIMAN. And in these rests have some means looking out for the injured?

Miss HAY. I should think there should be.

Commissioner HARRIMAN. That is all I have.

Chairman WALSH. Mr. Lennon would like to ask some questions.

Commissioner LENNON. Where do those barges come from? Do you know where they start? Those coal barges on which the families live?

Miss HAY. I think the largest coaling station is probably St. George.

Commissioner LENNON. It is not the starting point of their trip. That is where they unload, is it not?

Miss HAY. They unload in New York.

Commissioner LENNON. Do you know who owns those coal barges?

Miss HAY. I know several.

Commissioner LENNON. Who are they supposed to belong to?

Miss HAY. To Burns—the Burns firm is a large firm—the Moore is a large firm; the McWilliams.

Commissioner LENNON. They belong, then, to firms dealing in coal that do business in New York City, you believe?

Miss HAY. Yes, sir.

Commissioner LENNON. They do not belong to the firms that run the mines?

Miss HAY. No, sir. They have their offices at 1 State Street.

Commissioner LENNON. Have you ever made any investigation of the canal barges that come here? Are they of a similar character, as to having families residing on them?

Miss HAY. No, sir.

Commissioner LENNON. And the conditions?

Miss HAY. No, sir. I have not made what I would call an investigation, but I have boarded several of them and of the lumber barges, so that I might know the difference between ways of living on the different barges. Of course, it was a very tentative examination, as you might know, from the fact that I was there only so short a time. I think the life on the canal boat is much better, from the fact that those boats can tie up during the winter for three or four months at a time, giving those families an opportunity to live on shore and to mingle with the ordinary things which we call civilizing.

Commissioner LENNON. Yes.

Miss HAY. That is, they have a church-going privilege, the small school privilege, educational privilege, which is impossible to the coal-barge people.

Commissioner LENNON. Of the number of boats that you investigated—30 or 35, whatever the number was—did you obtain facts as to the number of children that were entirely illiterate?

Miss HAY. No, sir.

Commissioner LENNON. You did not?

Miss HAY. No, sir.

Commissioner LENNON. Did your observation lead you to believe that most of them were illiterate?

Miss HAY. Yes, sir. In many instances the parents can neither read nor write.

Commissioner LENNON. That is all.

Chairman WALSH. Mr. Garretson, do you want to ask any questions?

Commissioner GARRETSO. No; I think not.

Commissioner O'CONNELL. What has been the result of all this investigation? What is the outcome?

Miss HAY. The outcome?

Commissioner O'CONNELL. Has any real good resulted and been put into effect, any changes in the conditions for their benefit?

Miss HAY. No, sir.

Commissioner O'CONNELL. What has come from all the work you have done for the society?

Miss HAY. I am not here now. I am in Pottstown.

Commissioner O'CONNELL. Did the work die when you went away?

Miss HAY. There is another visitor in my place there doing just the relief work, I suppose. That was all I was supposed to do, but I became so interested that I was very glad to give any time I could give outside of my regular relief visiting to studying the question, because I felt that the relief was thrown away so long as the heart of the subject was never touched.

Mr. BARNES. Did I understand you to mean by that that there would never be a stop to the relief as long as the hours continue as they are?

Miss HAY. Yes, sir.

Mr. BARNES. That you would have to keep the families all the time?

Miss HAY. The organization has had its fiftieth anniversary.

Mr. BARNES. It is a district of the A. I. C. P.?

Miss HAY. Yes, sir.

Mr. BARNES. They have always had to help the water-front workers?

Miss HAY. Yes, sir.

Chairman WALSH. That is all, thank you. Call your next.

TESTIMONY OF MISS HANNAH K. GRAHAM.

Mr. BARNES. Miss Graham, will you state your name and position?

Miss GRAHAM. My name is Hannah K. Graham, and I am the general secretary of the Church Temperance Society of the United States, the Episcopal Church.

Mr. BARNES. Miss Graham, you are really directly in charge of the only Longshoremen's Rest in the port, I believe?

Miss GRAHAM. Yes, sir. I believe it is the only Longshoremen's Rest in the United States, exclusively for longshoremen.

Mr. BARNES. Exclusively for longshoremen?

Miss GRAHAM. Yes, sir.

Mr. BARNES. Is it possible for a longshoreman to use the Seaman's Rest or places for lodging?

Miss GRAHAM. No, sir. I understand that the longshoremen and sailors do not amalgamate.

Mr. BARNES. Will you tell the commission a little bit about your experience, briefly, how you founded this shelter and some of its results?

Miss GRAHAM. Yes, sir. The attention of the needs of the longshoreman was called to us by a longshoreman himself, who wrote and said that there were no places of shelter, either winter or summer, for them to go in the intervals when they were not working and because they did not work steadily, but would just get together as the cargo accumulated. There were many hours when they had to be on the water front; they could not go to their homes because they would lose their chances of the next job. And so the result was that large numbers of them spent their times in the saloons, which was not surprising under the conditions. He asked us if we could not do something to provide a warm, comfortable room where those men could be in close proximity to their work, and after some time we discovered a place opposite the American Line pier which we rented, a three-story building, and we decided that there should be no effort at religious work, no effort at temperance work, which is our particular work; but that we would simply open another door other than the swinging door of the saloon, and let the men have their choice as to which they would use.

When it was first opened there was some—I was going to say some distrust, but some suspicion of our motives among the longshoremen of ourselves, and I think they had an idea that we were connected with the steamship companies, and that it was going to house the strikebreakers in the future. After a little their minds got quite disabused and they found that we had no hidden motive other than their welfare, and they began to come to the rest in great numbers.

I think the first two years we had about 288,000 men there. We have no name of our own on the building. We simply have "Longshoremen's Rest," and we sent an invitation along the docks and asked every man who wanted to use it to come there and bring his pipe and make himself at home. We were warned that we should have a great deal of trouble, but I must say that our experience has been that not only have the men appreciated it, but we have had no rules to put up, and we have had no trouble in keeping order. With a large number of men like that, of all nationalities, we expected that there would be some difficulty, but we have never had it. And now it has been in operation four years. We have not appealed to the public or brought ourselves forward in any way, because we thought it would hinder the work to be identified with any church or any particular organization, and what we wanted was to get all the longshoremen, entirely irrespective of what church or nationality or color or anything else they were. We did not care whether they were union men or nonunion men; all we asked was, "Are you a longshoreman?" We found there were great grades, different grades of men in the hold skilled—the deck man who handled the cargo on the deck, and the dock man who handled the cargo on the docks. Apparently, the men get pretty well paid, but when you take it altogether—of course they do not work—their work is casual; and this week they may receive quite good wages and next week they may receive a small amount. That, of course, is very detrimental to anyone keeping house, wives or men. They feel rich one week and they spend their money, and, of course, a great deal of it was left in the saloons.

I have been told by longshoremen myself that a great deal more has gone to the home in the pay envelopes since the shelter was opened than ever did before. That was our chief object; of course, we want to make the men more sober; it is for the interest of the men, their families, and the steamship companies. Be-

cause, as everyone knows to-day, it is not a question of guesswork, it is a question of absolute scientific fact that there are more accidents when men drink, even in moderation; that a man's sight and everything else is not as keen as it would be otherwise. Therefore, there is likely to be many more accidents if men have not places provided for them other than saloons. The saloons exist simply because no one has done anything for those men. I feel that we have started the first rest, and we have demonstrated that the men do appreciate it, and that it is of service. I do not care whether the State or the city or the steamship company, or who does it, but it should be there, and those rests should be all along the water front. We reach, probably, five docks—the Anchor, the American, the Cunard, and the White Star. We have not applied to the steamship companies for any help. We have carried it on ourselves. We had the funds in hand which we had set aside for that purpose to begin that work and we took the place for five years in faith. We felt quite confident that it would succeed. I think that is all.

Mr. BARNES. Do I understand you to say that the steamship companies have never given you any aid; that is, never any money?

Miss GRAHAM. We have never asked them, sir.

Mr. BARNES. That is all.

Chairman WALSH. About how many per day resort to that in good weather?

Miss GRAHAM. About 600—from 400 to 600.

Chairman WALSH. What has your experience been as to crowding in stormy weather—bad weather?

Miss GRAHAM. We have more men, of course, in the wintertime—we have far more men—not only because of the weather, but because of the numbers of those men when work is scarce who go to the Great Lakes. The men who work in the winter on the docks go to the Great Lakes, and so, of course, that lessens the attendance in the summer. Of course, some times you might go into the rest—it is a three-story building—but the first two stories would be crowded; and you might go in an hour afterwards and they would all be at work. Those who are not set on will come back and put in the time between the next call; they would come in then—we have a telephone and the foreman on the dock can call to the rest when they want more men. They feel that they can sit down and play a game of cards or shuffleboard or checkers, or anything else, and be not in danger of losing the chance to work.

Chairman WALSH. I was going to ask you to describe all the accommodations furnished at the rest?

Miss GRAHAM. We felt that we must have a plain room, not too fine, but in comfortable surroundings, put in all kinds of games, because they are men of action; they are not men who read a great deal, but they are increasing in their reading. We put in a good lavatory, which we thought was a necessary thing, and washing bowls, and then we had a small table that we put in.

Chairman WALSH. Do you find that they respect such things as lavatories and use them decently, and everything of that sort?

Miss GRAHAM. Yes, sir.

Chairman WALSH. It has been stated that there was no use of doing it on the docks?

Miss GRAHAM. There is.

Chairman WALSH. Do you find they act like other people?

Miss GRAHAM. Yes, sir; I find a longshoreman is very much better than he is painted.

Chairman WALSH. Tell me all the accommodations you have.

Miss GRAHAM. On the first floor we have got lavatories, and then we have a shuffleboard and the tables for reading and for checkers; and on the next floor they play cards a good deal, but we have a reading room up there, too. We put in electric light, and so on, and we made the place quite homely and not beyond the men in their working clothes, so that they would feel they were at ease there. That is about all the accommodations.

Chairman WALSH. There is nothing sold in the rest?

Miss GRAHAM. No, sir. We thought of having a lunch room, and we fitted up the top floor. We found that the men were largely Italians and some Irish, and some Anglo-Saxon, but the largest number were Italians, and they did not eat the same food as the Americans, and it was a little awkward to run the thing to meet the two conditions, but our equipment is there and we shall round out our whole scheme in that rest.

Commissioner O'CONNELL. That has apparently proven itself a good thing, so far as you can see?

Miss GRAHAM. Yes, sir.

Commissioner O'CONNELL. Why haven't you tried to induce the steamship companies to establish similar ones?

Miss GRAHAM. We thought we should demonstrate the thing first.

Commissioner O'CONNELL. How long has it been running?

Miss GRAHAM. Four years now.

Commissioner O'CONNELL. Hasn't that been sufficiently long to demonstrate it?

Miss GRAHAM. Yes, sir; we think so, and we thought it was time that we approached the steamship companies and asked their help in the matter.

Commissioner O'CONNELL. What have you in mind in connection with it? That they should establish similar places and maintain them?

Miss GRAHAM. Yes, sir. Although I doubt whether the men would go as much if they were owned by the steamship companies as they do now. I don't know.

Commissioner O'CONNELL. Why do you think not?

Miss GRAHAM. I think there is a little feeling between the men and the steamship companies. There is apt to be a little feeling, I think, and they probably think they would be under more restrictions. For instance, we thought of getting the steamship companies to fit up rooms themselves on the docks, but then the men would not be allowed to smoke, and that would be fatal to the rest being used.

Commissioner O'CONNELL. Why haven't you asked the steamship companies to contribute toward your home there?

Miss GRAHAM. As I said, we had a sum of money in hand sufficient to carry that work along for five years, and we felt that then, having demonstrated its usefulness we would approach the steamship companies, which we now shall do, and ask help.

Commissioner O'CONNELL. What proportion of the entire men along the water front there is your home capable of taking care of?

Miss GRAHAM. Only about five piers, as I stated. They have not sufficient time, and it is too far to come from the other side. We would very much have preferred to have taken three rooms at three different places, than to take a three-story building, but we were obliged, in order to get one room, we were compelled to take it all. We could only get it by renting the whole building.

Commissioner O'CONNELL. Has your organization interested itself in any way with the companies, with a view of ascertaining if there could not be more permanency of employment at all?

Miss GRAHAM. No, sir. We have not dealt with the labor situation, the labor side of it, at all.

Commissioner O'CONNELL. You have not dealt with the phase that causes that desire for intemperance, the ruin of it?

Miss GRAHAM. No, sir. We wanted to know more about the subject, by coming in contact with the men, and we felt that at the beginning, at any rate, it was best to keep outside of those questions, which would be undertaken, as Miss Hay says, by her society.

Mr. BARNES. Miss Graham, I think in that connection you might tell a little bit about the city's attempt to erect a shelter?

Miss GRAHAM. Yes, sir.

Mr. BARNES. And how it fell through?

Miss GRAHAM. One of the longshoremen had a scheme in mind of getting up a temporary shelter house along the dock front, to be owned by the city, and his idea was that they could have a restaurant privilege and that the restaurant would support the shelter. There was an appropriation made of \$3,000 to erect two shelter houses, and the city could not carry out the idea; they could not themselves look after the restaurant privilege, and they applied to us and asked us if we would take charge of that work, and we said we would be very glad, indeed, to do so. But we said, "Gentlemen, you must appropriate more than \$3,000 to erect two shelter houses and maintain them; there will need to be light and heat and a man to take charge," and I showed them it was an utter impossibility for a smaller building like that for the returns on the restaurant privilege to support it, and I said that if they would appropriate \$2,000 more I thought the thing could be carried on and be of very great service. They did not make the appropriation, and I saw Mr. Prendergast, who told me that the thing would probably be rescinded; that they found even the shelter houses themselves—two of them—could not be built for \$3,000.

That is what is needed.

Chairman WALSH. Mrs. Harriman would like to ask a few questions.

Commissioner HARRIMAN. What nationalities predominate?

Miss GRAHAM. The Italians and the Anglo-Saxons. There are a few French, and some English and Scotch, but the Scotch used to be all; they comprised the large majority of longshoremen, but they do not do so any longer. It is largely Italian.

Commissioner HARRIMAN. Could you give me any data which you may have relative to the erection of those shelters by the city—any correspondence or anything that you know of?

Miss GRAHAM. Yes.

Commissioner HARRIMAN. From Mr. Prendergast's office?

Miss GRAHAM. Yes.

Commissioner HARRIMAN. Would you furnish us with them?

Miss GRAHAM. Yes.

Commissioner HARRIMAN. Yes. If you will send it all here.

See Graham Exhibit.

Chairman WALSH. That is all. Thank you, Miss Graham.

TESTIMONY OF MISS MARY OAKLEY HAY—Recalled.

Chairman WALSH. Miss Hay, did I understand you to say that the place from which you obtained your information that something over 40 per cent of those men were tubercular was from an extensive investigation of 125 families?

Miss HAY. No, sir; all of the cases of longshoremen handled.

Chairman WALSH. All of the cases of the longshoremen handled?

Miss HAY. Yes, sir.

Chairman WALSH. That data is where?

Miss HAY. In the office of the I. A. C. P.

Chairman WALSH. Was there any investigation made with reference to the condition of children in respect to being tubercular or not?

Miss HAY. You mean the individual investigation?

Chairman WALSH. Yes.

Miss HAY. Yes, sir. As fast as we found the cases of a man with a family we had a family examination immediately. All visitors are supposed to know they must do that at once.

Chairman WALSH. Did you get any data based upon the extensive investigation of the 125 families with reference to tuberculosis, pneumonia, and rheumatism?

Miss HAY. I had two cases of acute pneumonia, which I felt were due to the fact of the men being worked in the hold of the vessel and being transferred immediately to the refrigerating department.

Chairman WALSH. I would like to have an understanding as to what extent of the total number of longshoremen your investigation covered—that is, how extensive was it? You say you found 40 per cent were tubercular?

Miss HAY. That estimate was made by one of the gentlemen in our office, Mr. William H. Matthews.

Chairman WALSH. I would like to know what it was based on. The figures appear large to me.

Miss HAY. I think he gave a larger per cent than that, but it spoke of it as a rough estimate, that it would probably exceed that.

Chairman WALSH. What did he base his estimate on?

Miss HAY. From going over the longshoremen.

Chairman WALSH. The data is in the office?

Miss HAY. Yes, sir.

Chairman WALSH. Covering that statement you made about the 40 per cent?

Miss HAY. Yes, sir.

Chairman WALSH. Mr. Barnes wants to ask you a question.

Mr. BARNES. One thing, Miss Hay: Where do those barges that you spoke of anchor?

Miss HAY. Where do they anchor? Newtown Street, Jay Street, Court Street, Wallabout.

Mr. BARNES. What about the sanitary conditions? I mean, do they anchor near any sewer openings, or anything of that kind?

Miss HAY. The anchorage at Wallabout is, I am told, very bad, from the fact that Wallabout, the anchorage there is immediately—is right under a sugar refinery whose sewers empty at the shore line. The water in Wallabout is dead water, so that it is not affected by the tides.

The story of one woman comes to my mind there, on one of those barges, who told me that not only she and her husband were so ill during the time they anchored there, that they were unable to eat, but that the dog suffered from nausea the entire time. She said that meat taken here molded with accretion in a very few moments after it was brought on board the vessel. I asked her how long they were compelled to lay there, and she said sometimes a week or two weeks.

Chairman WALSH. How many boats use that?

Miss HAY. Almost all coal barges, I think.

Mr. BARNES. About how many have you seen there at one time?

Miss HAY. Two, I think. Of course, they would vary according to the time of day. I visited Wallabout about noon, which is not a good time to find out the number of vessels. You should be there when the tide comes in or when the tide goes out to know.

Mr. BARNES. How about the life-saving protection on the barges?

Miss HAY. No protection.

Mr. BARNES. No life-saving equipment on any of the barges?

Miss HAY. None at all.

Mr. BARNES. That is all.

Chairman WALSH. That is all, thank you, Miss Hay.

Mr. BARNES. I will call Mr. McFarlane.

TESTIMONY OF MR. ARTHUR E. McFARLANE.

Mr. BARNES. Mr. McFarlane, what is your profession?

Mr. McFARLANE. Magazine writer.

Mr. BARNES. Magazine writer?

Mr. McFARLANE. Yes, sir.

Mr. BARNES. I understand that you have taken a considerable interest in waterfront work, longshoremen. Wouldn't you state to the commission how you became interested?

Mr. McFARLANE. Well, I have been for three summers connected with one of the New York settlement houses, the Greenwich Settlement House on the west side, and our district covers West Street and the main longshoreman district in New York. I was appointed a member of the committee to look into the longshoremen's conditions, and took the thing in a general way, and I discovered at once that the great difficulty seemed to be that, while the loading and the unloading of the vessels is one of the greatest industries in the city of New York, almost nothing is known about it.

Mr. BARNES. Almost nothing is known about it?

Mr. McFARLANE. Yes, sir. The city takes no interest in the matter, and it is not one of the things that comes within the interests of the sea affairs. All the way up West Street and South Street, and in other parts of the city, we have taken in almost every other sort of industry, but because the longshoremen are in between the sea and the land, they seem to have been missed. It has been testified here that there are between 40,000 and 50,000 men working in that particular line, and all that is known about them is the common belief that they are a sort of yellow dog; neither one thing nor the other, except we hear about them appearing in the police courts, and it seems to be the case of a dog with a bad name. As soon as I had a chance to get to know them, I realized at once that it was a high class of labor, which was practically being hurt and ruined by the conditions under which they work. The great difficulty is, as has been testified here, the irregularity of the work.

Until it is possible for those men to know what their work is going to be, until they are hired in some such way as will give them a chance to lay out their day actually, I do not see very much hope for them. As it is now, the water side is making a great big profit off of the longshoreman and is ruining him right along. When it comes to bad weather, even in the summer, they have to have some shelter. They have only that one little shelter up near Twenty-second Street, and the great majority of them work a mile or more down south, and if they go to any place, they must go to a saloon.

Mr. BARNES. This one rest that you speak about, about what proportion of the men do you think working in that immediate neighborhood would that place supply? About how many men work accessibly to this rest or hang out for work?

Mr. McFARLANE. Perhaps three or four thousand.

Mr. BARNES. And the place can accommodate four or five hundred?

Mr. McFARLANE. Yes, sir.

Mr. BARNES. I see. Proceed.

Mr. McFARLANE. When you go down farther on West Street on the line there, you will find nothing but saloons, and you will find that the piers are mostly of a class not so well organized as the piers up above, whose men who have recourse to this one shelter; that is, you get the coastwise piers farther south, the Mallory and Clyde and those other lines, and the conditions on those piers are bad. The men, perhaps because of the condition, are somewhat of a lower order, and they are simply at the mercy, between the steamship company and the saloon there. If we had shelters there, and if we had organized labor, organized hours, those men would have a chance. You can see when you go into the shelter on Twenty-second Street there, you can see what a difference it has made in the men. In fact, they will tell you how, for the first time in life, they began to read and began to think about things and began to take home their pay envelopes unbroken. They can not do that farther down. It is almost impossible to avoid the breaking of an envelope.

Take the situation in even the best weather, the man is working under great stress on a pier; he is working long hours; he is dead fagged out when he comes off the pier; and if he had a chance for a cup of coffee or anything of that sort it would be of great help. Or at the noon hour if they had a chance to sit down a little while among their own kind and wash up it would be an advantage, but the way it is they have to drop into those saloons and get poisoned by the disordered liquor sold there and the free lunch and are rendered inefficient. The steamship companies must suffer certainly; the men suffer and the city suffers in the end. It is estimated that \$5,000 a year will support one of those shelters, and one of those shelters would cover the needs of the men of two or three different big piers. It would be the greatest gain in the world all around, and it is one of the strange things that it never has been taken care of so far.

Mr. BARNES. Mr. McFarlane, we have had here yesterday and to-day rather a bad picture of the conditions of the so-called best piers in the city. Now, you say they are far superior to the coastwise piers?

Mr. McFARLANE. Yes, sir.

Mr. BARNES. You mean by that—while we have not had testimony directly as to the coastwise workers—but you mean for us by that to infer that from your investigation and statement we would be led to suspect that the conditions of the coastwise longshoremen are very poor?

Mr. McFARLANE. Yes, sir; and particularly it is the fault of what they call the bull driving. It is hard work in any case, but it is simply in many cases that these men are bull drivers and have got to work the men up to the highest point and simply keep them jumping, and the men have got to carry their burdens, not merely at a walk, with heavy barrels and bags and boxes, but they have got to go on the run and up slippery gangways with them, and they are driven at their work from beginning to end.

Mr. BARNES. You say that down among the coastwise workers the men are of the poorer class?

Mr. McFARLANE. I think that is generally correct. When I say "poorer class," I mean because of the conditions under which they labor. It is desperately hard work and naturally breaks the man down.

Mr. BARNES. In other words, what you mean is that a man that has some feeling about it will try to get work at the foreign-commerce piers rather than the coastwise?

Mr. McFARLANE. Yes, sir.

Mr. BARNES. Well, then, would that not lead you to believe that gradually the foreign steamship companies are driving out the better class of men in their work? Do you not think that under the conditions, lack of shelter, low earnings, and of the treatment received there they are being simply driven off the pier after work hours and no place to go—do you not think that the steamship companies are driving out the better class of men in that way?

Mr. McFARLANE. I think so, because, if you will go up to the piers of the better managed lines you will see at once that there is a high class of American and Irish-American labor still there, still far excelling the sorts of labor that have come into the country in the last few years. You will find the ignorant laborer, the ignorant foreigner, in the great majority down at those lower piers.

Mr. BARNES. Then, eventually, this would be bad for the steamship companies in the port, as a whole, if they keep decreasing the standard of labor?

Mr. McFARLANE. I should certainly think so.

Mr. BARNES. Now, Mr. McFarlane, did you make any investigations in connection with the barges you have heard mentioned by Miss Hay?

Mr. McFARLANE. I was associated with Miss Hay for a time, and I went aboard a good many of the barges, and went around a good deal in that connection. I think that everything that Miss Hay has stated is practically all I could say myself, except to add this, that these boats differ from others, and that there is another cause of these boats being forgotten betwixt the two—the steamships coming in, and going, and the coal roads. But we don't know about the transfer of the coal from the roads to the city and to the steamers. Now, these three or four thousand barges themselves are outside of the law, the children are outside of any inspection or investigation from the schools or from the children's aid societies, or anything like that; and the boats themselves have no safety investigation or inspection. There is no inspection in that way, and it is not merely that they have no devices to protect them from fire, but practically, unless their captain provides, there is no boat and life preservers and things like that. None of them have any protection from the weather, and when they go down their wives and children have to take their own chances, and the boats do not have even a railing around them. Of course, there is a difference between the coal barge and the ordinary barge which goes up and down the canals, where they have little homes, and all that, on them. But on a coal barge there is just one little cabin, and perhaps a little room 10 by 8, simply a storeroom, and the whole family live in the small cabin and the storeroom. And in foul weather they have to go out just as the biggest liners do.

I heard one captain tell about a fire in his boat in time of storm. The stove upset and his children and wife were nearly crazy with fright, but he managed finally to get it set up again, and they saved themselves from practically burning to death.

When a boat gets out in a storm the only way in which they rely upon saving themselves is being able to pass from one barge to another, because they are going in a long line of tows, and if a barge goes down it is a question of getting from one to the other until they can finally get to the tug. And a man's children in foul weather must be confined to the little cabin. They can not be up on deck, as there is absolutely no consideration for the fact that women and children are aboard of those boats. That is the one case where there is none.

Mr. BARNES. What about accidents among the coastwise workers? What do you know about it from your talks and from your investigations that you have made?

Mr. McFARLANE. They all see about it, but they are not organized well enough to gather any statistics. I tried to get, for example, figures of how many accidents they had known of in the last three or four years, and figures like that; but they haven't kept track of them except they knew this man had been hurt and the other had been hurt, and about boats going up around the coast around by Point Judith, and about there having been swamped—two or three cases last year of the boats going down with loss of life. There is no protection for them at all.

Mr. BARNES. Have you studied the English statistics; do you know anything about them at all?

Mr. McFARLANE. No, sir.

Mr. BARNES. That is all.

Chairman WALSH. Any questions?

Commissioner GARRETSON. Yes.

Chairman WALSH. Commissioner Garretson would like to ask you some questions, Mr. McFarlane.

Commissioner GARRETSON. Mr. McFarlane, from your experience and investigations among the men, are you of the opinion that the construction of these rest houses, what might be claimed as philanthropic, would be good business investment for the companies?

Mr. McFARLANE. Why, I certainly think so. And if you will look at the class of men that are about the one that is already established, if you go there and look at the men there, you will see that they are different entirely from the class of men that you find sitting around down in the open "farm" down below. I think you would at once hire your men up above rather than down there.

Commissioner GARRETSON. Isn't the experience of every big corporation, including the railroads, that wherever they have provided appliances or conveniences of this character, instead of their being actually a philanthropy, they have given a solid business return?

Mr. McFARLANE. Oh, undoubtedly.

Commissioner GARRETSON. In raising the character of the personnel?

Mr. McFARLANE. Yes; and the men—you can feel that the men respond very largely. The very fact that when an accident happens the men immediately go around and take up a collection for that man out of their small earnings; they don't ask the steamship company to come to the rescue, but they immediately go around with the hat, and will probably support that man for two or three weeks out of what they can spare, or what they can not really spare but what they do spare.

Commissioner GARRETSON. Has it been your experience that longshoremen respond as quickly to decent treatment as other men?

Mr. McFARLANE. He will respond more quickly. He is a man who has worked with other men so much—they work in gangs so much, and they learn the value of fellowship in that way that other men largely have not learned.

Commissioner GARRETSON. You may have heard it testified here this morning that the calling of the longshoreman was not a dangerous calling?

Mr. McFARLANE. Yes; I heard it.

Commissioner GARRETSON. Now, does your experience bear that out?

Mr. McFARLANE. Why, you are constantly hearing of accidents. As soon as you get on the piers you hear of nothing else.

Commissioner GARRETSON. In your opinion, would any unprejudiced man, having knowledge of the situation, call it a safe calling?

Mr. McFARLANE. You could not, possibly; in fact, if you go to even the best-managed pier and watch them unloading those big drafts in double gangs, with slings, going up and down at the same time, in the same hatch, you can not help but realize it. Why, it is extraordinary that it can be done at all without accident.

Commissioner GARRETSON. It would take a good deal of such evidence to convince a man that it was a delightful business and perfectly safe?

Mr. McFARLANE. Yes, sir.

Commissioner HARRIMAN. There seems to have been two propositions—one a shelter on the pier and rest rooms off the piers—those shelters along the water front such as Miss Graham described. Which of the two do you think most satisfactory, or think should be provided?

Mr. McFARLANE. There is just one difficulty there. I think Miss Graham brought it out. The men practically require to smoke when they are resting, and under our fire laws—and I think they are perfectly right—smoking on the piers is prohibited, and if a shelter is on the pier—that may seem a small thing, but it would very largely destroy the value of that shelter for the men.

Commissioner HARRIMAN. But there should be a room on the pier where they could hang their hats and coats and wash their hands, and so forth?

Mr. McFARLANE. Yes, sir. There should be something like that; and then when an accident takes place, often a man will be right there on the pier in the wind, and in winter will be swept by the wind and snow for perhaps hours before anyone gets around to him. The city hospitals here have a thoroughly bad reputation in that way; that is, a longshoreman, when he comes up from the hold is generally so dirty and dusty, and all that, that it appears that he is the last sort of person they want in the hospital; and if they can let him be there they let him be there; and all the men will tell you the same story—that just because the man is dirty and, in that sense, the underdog, he is allowed to be the last to be helped.

Commissioner HARRIMAN. Well, then, these shelters—by whom do you think they should be erected and supported, by the steamship companies or the city or the State?

Mr. McFARLANE. I think either the city or the State should have the largest part in it, with the cooperation of the men themselves. The men are very justly suspicious of the steamship companies, and feel that if the companies had any large part in it they would turn them, perhaps, into purposes of their own—labor exchanges, for instance—and make some use of them that should not be made.

Commissioner HARRIMAN. Then, you feel that the city has been more lax about them, and the Government, than the steamship companies, in that view?

Mr. McFARLANE. Yes. I think the longshoreman simply played with by the city authorities. When there is an election coming on, they are always promising to do something for them, but as soon as the election is over they forget all about them.

Commissioner DELANO. There has been described here, or referred to, as I understand it, those steamers known as ocean liners and the coastwise liners and the coal barges. What can you tell us about the conditions that apply in the handling of tramp steamers, ocean-going tramps, that come in at any time in the day, and what dock would they have?

Mr. McFARLANE. I know nothing about that. The part of the city I work in—Ware Street docks, running from Twenty-third Street south a mile and a half or 2 miles—I don't think there is very much tramp-steamer traffic in there; they are all regular lines, and I doubt if any public landing place can be found along there.

Commissioner DELANO. Could you tell us anything about the conditions that exist on the East River, on the Brooklyn side, or on the Hoboken side of North River?

Mr. McFARLANE. No; except the men all say that the situation is about the same. I know they have had more trouble on the Hoboken side, a good deal, with their men than on this side. I don't know whether there is any particular reason for that, but certainly the conditions would not be any better, according to the statements of the men themselves.

Commissioner HARRIMAN. Mr. McFarlane, have you any plans worked out for these shelters? Have you thought of anything—

Mr. McFARLANE. No; except to follow up as closely as possible the plan followed by Miss Graham's organization, which I believe is the Church Temperance Society.

Commissioner HARRIMAN. They should have them down there along the water front?

Mr. McFARLANE. Yes. I think there are two things I would speak of; that is, that there should be shower baths for the men. They wish to be clean and to keep clean. When they come in they would like to get a decent bath. And also there ought to be at least two places where there could be little emergency hospitals, so that the men would not have to lie around there—so that the men could be taken at once, in case of accident, to little hospitals where they could get surgical care and attention.

Commissioner HARRIMAN. Would you do that rather than have an emergency on each of the steamship docks?

Mr. McFARLANE. Well, I don't—you see, the accidents, in a sense, are not plentiful enough to warrant the use constantly of an emergency room on every dock, and if there could be two of these little stations, where the men could be taken, there in a matter of a few minutes, of course, the station would have to have its own ambulance—

Commissioner HARRIMAN (interrupting). That would obviate, you think, the lying on the docks that you have described?

Mr. McFARLANE. Yes.

Commissioner HARRIMAN. You think if they had some place of that kind they would be taken off the dock—

Mr. McFARLANE. Yes. The only way now to take them off the pier is in these boxes—slings attached to a rough box in which to carry them. When a man is hurt down in the bottom of a ship they simply put him in this box and cart him out on that and put him on the pier, and he lies there. In fact, I have heard men testify that any man—that the men who have seen the accident, if it is a serious accident, these men on some of the piers would be very likely transferred at once to some other pier than that to get them out of the way so that they would not give evidence on that kind of thing.

These accidents are constantly occurring, but nobody keeps track of them, and there are no statistics kept about them. I suppose the companies themselves must have some sort of statistics, but you can not get at them.

Commissioner O'CONNELL. Have you written articles on the situation on the water front?

Mr. McFARLANE. No; not yet; I wanted to make as thorough a study as I could, and have had to get off on other work in the meantime. I have been working up this longshoreman investigation for quite a time, and then there was other work that I had to do that took me off, and I had to lay it aside; but I have always wanted to give the thing full publicity.

Commissioner O'CONNELL. You have not as yet written any articles on it?

Mr. McFARLANE. No, sir; well, I wrote to the New York papers at the time; but the letters either were not printed or they were so garbled that all the point was taken out, simply because they were dealing with the general situation rather than with cases of individual hardship.

Commissioner O'CONNELL. You believe that the whole situation on the water front ought to come under proper study and investigation?

Mr. McFARLANE. Absolutely. I think if you could have a small subcommission to go aboard all these boats in the harbor and go to the piers, and then go right to these coal barges—it would take sometime to do it, but you have the skilled assistance right here and it would lead to the opening up of the whole matter as to these conditions.

Commissioner O'CONNELL. You said in answer to Mrs. Harriman's question that you believed the following out of the plan started by this Church Temperance Society would be a good thing. Do you think that private means ought to be used for the purpose of physically keeping the men able to work for the use of the corporation?

Mr. McFARLANE. Well, I think it is done in other ways. It is simply a chance to give the men a place to rest in decency—

Commissioner O'CONNELL. Don't you think the corporation ought to be compelled to furnish such places and proper means of keeping the men in good shape?

Mr. McFARLANE. Well, if it could be made to contribute, so much the better; but if the men felt that they had to go to the steamship companies for favors—they are pretty proud, and I don't think they would do it. I don't think you could get the men to do it.

Commissioner O'CONNELL. There is no difference between a steamship company and any other corporation that could be compelled to do things within reason as to sanitary conditions and within the law and order of things generally.

Mr. McFARLANE. Of course, a question would arise as to whether the steamship company had the right to exclude men from the shelters who were out of favor with the company.

Commissioner O'CONNELL. Isn't it rather the impression gained by the men that anything the steamship company is interested in it has some ulterior purpose of its own?

Mr. McFARLANE. Yes.

Commissioner O'CONNELL. He is simply under the impression caused by the conditions under which he works?

Mr. McFARLANE. Exactly. Yes, I think they have good reason for so thinking.

Commissioner O'CONNELL. Do you know of any of those reform societies or uplift societies or communities in New York that have done anything in any way toward improving the conditions of the longshoreman?

Mr. McFARLANE. Not except what the Church Temperance Society has done, and what private investigators, that is, private investigators, in a sense, like Miss Hay, have done.

Commissioner O'CONNELL. You don't know of anything at all on the part of these so-called organizations in New York?

Mr. McFARLANE. No; the fact is, everybody seems to think that the longshoreman comes in with the sailors. We have these seamen's institutes, which are very fine and very well managed, and there seems to be a general idea that the longshoreman can go to these places, but of course he could not; he would be turned out in a minute.

Commissioner O'CONNELL. Do you think the seamen are being better taken care of than the longshoremen?

Mr. McFARLANE. Oh, decidedly better; there is no comparison. Why, in the Seaman's Institute down on South Street, and the one up on West Street, why, they are simply like fine hotels, almost; and a longshoreman—why, he has one little shelter and that is all he has. Not for a moment is there any comparison.

And the point is that these are citizens of New York. New York is doing more for the foreigner in her port, for the seaman, and stranger who comes in here, than for the Americans, either by naturalization or birth, who reside here. It refuses to do for its own citizens here—

Commissioner O'CONNELL. (interrupting). What do you mean?

Mr. McFARLANE. I mean the longshoremen are citizens of New York, and the seamen, which New York is looking after so well, are not citizens.

Commissioner O'CONNELL. Does the city make or prepare these places for the seamen?

Mr. McFARLANE. They are, of course, largely private charity; but it is the private charity within the city here.

Commissioner O'CONNELL. Why do you say the nonresident or the noncitizen is being looked after better by the city or the State or the public funds or by private funds?

Mr. McFARLANE. Well, it is New York money which is looking after the sailors that come into New York, and these sailors are not citizens of New York. And practically there is not \$5,000 being spent—or even \$2,000 a year being spent—

Commissioner O'CONNELL. What societies are maintaining the sailors' homes—

Chairman WALSH. Just a moment. I would like for him to finish what he was about to say about that \$2,000.

Mr. McFARLANE. There is not \$2,000 being spent for the longshoremen per year, either private or public money.

Commissioner O'CONNELL. What societies or organizations or people or persons are contributing toward maintaining the sailors' home?

Mr. McFARLANE. Why, I think that is a question that you had better ask of the actual representatives of these seamen's institutes; but it is partly private, and they have international societies—there is one society, for example, which has branches all around the world; I can't give the name—I think it is Seaman's Friend Society, or something like that, and, perhaps, Mr. Barnes himself here can tell you.

Mr. BARNES. That is the name of it. The branch here is the American Seaman's Friend Society Institute.

Mr. McFARLANE. Yes. But it is money of New Yorkers here that supports those.

Commissioner O'CONNELL. Are not funds raised for that organization by the giving of entertainments on the various passenger steamers that come into this port?

Mr. McFARLANE. Yes; that is partially the way in which funds are raised. Funds are in part raised in that way, and also by large private contributions by the citizens of New York and other people. After the *Titanic* disaster they received a very large sum in private contribution.

Commissioner O'CONNELL. Your impression, then, is that the longshoreman is generally looked upon as a sort of a nobody that no person is particularly interested in?

Mr. McFARLANE. Yes; he is a dog with a bad name, and conditions make him so.

Commissioner O'CONNELL. And he lives in the saloons and along the water front?

Mr. McFARLANE. Perhaps I emphasized that too strongly; but the point is that he has got to go some place in foul weather, and if he goes to a saloon, which is the only place open now, he has got to drink. And you will see young men—in fact, I have seen families here who were starting out all right, and yet it would not be long before things were going wrong just on account of the conditions under which the men labor.

Commissioner O'CONNELL. Suppose we passed an ordinance or State law imposing prohibition in the State of New York and closing all the saloons up, what effect would it have?

Mr. McFARLANE. Well, you need not do that; give them a shelter and you will find at least half of those men would not touch liquor.

Commissioner O'CONNELL. But they have not got any shelter for them now, and suppose we close up these other places which they have got now, do you suppose that would bring these steamship companies to a realization of that condition?

Mr. McFARLANE. Well, it might; but that's going a little too far. Personally I would like to see all the saloons closed up, but I don't think that is a thing that we can contemplate in the immediate future.

Commissioner O'CONNELL. I don't know about that.

Mr. McFARLANE. I certainly would like to see it.

Commissioner HARRIMAN. Not until you get something in the place.

Commissioner LENNON. I would like to ask Mr. McFarlane, if they close up the saloons, in your opinion, will the longshoremen be able to furnish their own rest places and homes?

Mr. McFARLANE. Yes; they might. You mean to put it up to the longshoremen altogether?

Commissioner LENNON. Yes; put it up to the longshoremen altogether.

Mr. McFARLANE. Well, I will tell you; if you had been here some years ago—

Commissioner LENNON. I have been here for many years—

Mr. McFARLANE. Well, pardon me. Do you remember the case when they had a strike here in 1907, I think it was, and at that time they tried to raise funds to support their own strike, and it was shown at once that most of these men had not money enough ahead for a single day. They raised perhaps 5 cents apiece and all that, and many of them had to go without their lunch and all that to do this. The labor at the south end of West Street there was simply a hand-to-mouth affair, as it is now, and it is unfair to ask these men to do very much until they are in different condition.

Commissioner LENNON. That is not just what I was after. Perhaps I did not make myself plain. I understand the men who are now frequenting the rest house that has been provided by that society take better care of themselves and of their families than they did before that was done.

Mr. McFARLANE. Undoubtedly.

Commissioner LENNON. In many cases the pay envelope goes home without being broken open.

Mr. McFARLANE. Yes, sir.

Commissioner LENNON. Now, if all the saloons were abolished on the water front and in the State of New York, would it not be likely that the longshoremen would have money enough to provide their own rest places?

Mr. McFARLANE. Yes, sir; and I would like to see New York free from saloons. But, referring to Hamburg, they have there, of course, a free port, and it is somewhat different from the port of New York. When it comes to the actual loading and unloading, where that takes place I believe there are no saloons near there—not such as we have. They may be able to get a beer, but mostly those places are places where the men get coffee and lunch and things they really need. But I can not see how you can possibly change the abuses here and say that saloons should not be allowed on the water front and accomplish anything, simply because it is a matter—because it has a different geographical condition.

Commissioner LENNON. I don't want you to think, Mr. McFarlane, that I asked those questions because I believed that that is the remedy. I think we have got to go to the bottom of the thing and cover the industrial questions, whatever they may be.

Mr. McFARLANE. Yes.

Commissioner LENNON. I can not express myself as to that.

Commissioner GARRETSON. One further question, please, Mr. McFarlane. Do rest houses, or all the measures of that character—are they anything but palliatives until you have corrected the basic condition by which the troubles are caused, the unusual casualness of the service?

Mr. McFARLANE. Yes; I think I would agree to that; but I think we will have to have those palliatives for a time, but if we can change the conditions—that is, the conditions of the hiring and the employing—that will be a big thing.

Commissioner GARRETSON. But they are continually dealing with the effect and not the cause.

Mr. McFARLANE. Yes; to a certain extent.

Commissioner GARRETSON. From the statements you have made, I gather that the longshoreman is generally considered by people to be a seaman and the seamen themselves consider him a landsman?

Mr. McFARLANE. Absolutely; they won't associate with him at all.

Commissioner GARRETSON. And the result is that as far as interest in his cause or his conditions has been concerned, he is between the devil and the deep blue sea, and if he can't go to sea the other agency has the main chance at him.

Mr. McFARLANE. Yes, sir; but I want to remove any impression I may have given that the longshoreman is a constant habitu  of the saloon. There are many, very many, high-class men among them; and I have been astounded from time to time to find what a high order of men they are. Their work is hard, desperately hard, and they are driven at it, and yet they have kept their heads up and are altogether a fine body of men and respond to help more than halfway.

Commissioner GARRETSON. Now, from the estimate which you have of them and which is borne out by your experience, you would not hold from that fact that all these associations and people who have been working for the seamen and do not pay any attention to the longshoremen are evidences of the fact that the people engaged in missionary work prefer foreign heathen to the home heathen?

Mr. McFARLANE. Well, that may be, too.

Commissioner GARRETSON. That is all, thank you.

Mr. BARNES. I want to bring out one point: Do you understand, Mr. McFarlane, that the reason for the longshoremen not supporting shelters or furnishing them themselves—do you know anything about how casual, as to the geography of the situation, the work is? For instance, that a man who works at the Anchor pier may next time work at the Cunard, and so on; that he is going around the port.

Mr. McFARLANE. Well, that is a thing that I don't think I could fairly answer, except this: It is natural to say, why don't the men organize shelters.

Mr. BARNES. Well, I thought maybe you could take that up.

Mr. McFARLANE. No.

Chairman WALSH. That is all; thank you, Mr. McFarlane.

Call your next witness, Mr. Barnes.

TESTIMONY OF MR. MURTHA FORTUNE.

Mr. BARNES. Mr. Fortune, state to the commission here your particular job as longshoreman.

Mr. FORTUNE. Well, I am a gangway man now.

Mr. BARNES. A gangway man is, in a manner, a sort of a foreman or headman, isn't he?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. You receive how much more per hour than the ordinary longshoreman?

Mr. FORTUNE. Five cents.

Mr. BARNES. You are hired, however, just the same as the other longshoremen?

Mr. FORTUNE. Yes, sir; just the same.

Mr. BARNES. No difference; you are hired each day or time?

Mr. FORTUNE. Each morning.

Mr. BARNES. Each morning you are hired. Now, is it your duty to look after the gear and ropes and falls and blocks, and all that?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. It is your duty?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. If you see anything wrong there, what are you supposed to do about it?

Mr. FORTUNE. Well, if I see a rope and it is not in good working condition I take it out and replace it.

Mr. BARNES. You take it out and replace it?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. Suppose that you think that a bolt in one of the gins or blocks is not good, what do you do about that?

Mr. FORTUNE. Well, before the boom goes up I would have a look at it, and if I thought it was bad I would tell the foreman.

Mr. BARNES. You usually work on what pier?

Mr. FORTUNE. Pier 60.

Mr. BARNES. The inspection is better there, do you believe, than other piers?

Mr. FORTUNE. Well, I think we are superior to any other pier in New York.

Mr. BARNES. In what way? You mean about the matter of looking after the gear?

Mr. FORTUNE. A matter of looking after the gear, and—

Mr. BARNES (interrupting). Now, do you have any knowledge about any foreign ports?

Mr. FORTUNE. Only what I have heard.

Mr. BARNES. Do you know that on some piers there is little or no inspection?

Mr. FORTUNE. I could not tell you that, only what the other men say.

Mr. BARNES. Well, what the men say about them?

Mr. FORTUNE. Well, some of the men come up around Pier 60 and they go to work there and they get to talking about the gear, and they'll tell you what they have on such a dock and such a place, like that. That's all I know about it.

Mr. BARNES. What do they say about it? Do they say that on these other piers the inspection is good?

Mr. FORTUNE. Well, some claim that the gear is better and some claim it is not.

Mr. BARNES. I see. Now, not what you do yourself, but suppose that gangway man on a pier on which the foreman is rather hard on the men should be constantly reporting things out of order, what would be the result?

Mr. FORTUNE. Well, the first man he would come to would be the gangway man, and he would tell him.

Mr. BARNES. Well, supposing that gangway man keeps insisting to the foreman that this rope is bad and that which is bad; what would become of him?

Mr. FORTUNE. Well the foreman never asked me yet about a rope; I always used my own judgment.

Mr. BARNES. Yes; but I am not talking about you, but in any other place—what is the usual rule? Are the men afraid to complain about the gear and the appliances in many of the places?

Mr. FORTUNE. Well, I couldn't tell you that, whether they are afraid to complain or not; but I know if I had a bad rope, I would not be afraid to complain.

Mr. BARNES. You would not be afraid to complain?

Mr. FORTUNE. No, sir.

Mr. BARNES. Now, Mr. Fortune, tell me something about the accidents. Are accidents fairly numerous among longshoremen?

Mr. FORTUNE. Yes, sir; very.

Mr. BARNES. And how do accidents happen? Tell us some particulars, Mr. Fortune.

Mr. FORTUNE. Well, the men would be taking things up and different things may fall, or some of them may fall out, or the rope is liable to carry you away, and it is very dangerous work.

Mr. BARNES. In spite of the best inspection you can give, and in spite of the inspection you do give, ropes do break with drafts, do they not?

Mr. FORTUNE. Oh, yes; very often.

Mr. BARNES. Winches do get out of order and let the drafts down too quick?

Mr. FORTUNE. Well, up on Pier 60 we don't have the falls to the winches at all. The men lower the drafts.

Mr. BARNES. You have the drum end there?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. On the piers where they have the fall around the barrel of the winch the winches do get out of order and give way at times?

Mr. FORTUNE. Yes.

Mr. BARNES. That is a frequent thing?

Mr. FORTUNE. Yes.

Mr. BARNES. Especially with an old winch?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. Tell us other ways that the men—do the men ever get knocked off the decks when they are working?

Mr. FORTUNE. I have seen men knocked off the decks.

Mr. BARNES. Onto the piers and lighters?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. And into the water?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. Ever know any deaths occurring from that?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. You have?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. How about accidents where parts of drafts, when you are bringing them up, for instance, a number of iron bars, do they ever have single bars drop out?

Mr. FORTUNE. Yes, sir; every day in the week that happens.

Mr. BARNES. Every day in the week?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. You mean the long pieces of steel and iron?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. They are caught around with a chain?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. You say that occurs every day in the week that some of those will drop out?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. What about the box known as the fruit box? Attention was called to fruit boxes. Do you know what are called fruit boxes?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. What is the common longshoreman's term for that? Did you ever hear it called an ambulance?

Mr. FORTUNE. Oh, I know all about that quite well. I know about the box better than anybody, I think.

Mr. BARNES. Why is it called an ambulance?

Mr. FORTUNE. Well, when a man gets hurt one of the men in the hold will go to the gangway man and he will go out and say to the ship, or send out on the deck for a box to take the man that is hurt out. It is a fruit box that they use to take this man out.

Mr. BARNES. So they put the hurt man in this large box, do they?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. And take him up?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. And for that reason this box is referred to as an ambulance?

Mr. FORTUNE. Well, in case there is no certain box at all, they will take the first box they come to. There is no such thing as an ambulance.

Mr. BARNES. It is just a long box?

Mr. FORTUNE. Just a long box.

Mr. BARNES. Now, do you have the rapid transit or hurry up on your Pier 60?

Mr. BARNES. That's where two drafts are going up and down in the same others call it a trolley fall.

Mr. BARNES. That's where two drafts are going up and down in the same hatchway at the same time?

Mr. FORTUNE. One draft is coming up, sir.

Mr. BARNES. And as soon as the draft comes up over the hatch combing?

Mr. FORTUNE. When the draft comes up to the hatch combing, they will take and hook on this other fall and pull it out.

Mr. BARNES. And meantime the fall that came up with that load goes back down to get another load?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. Does that keep two drafts in that hatchway going at the same time?

Mr. FORTUNE. No, sir.

Mr. BARNES. Never two drafts coming up and working on two drafts together?

Mr. FORTUNE. Oh, when there are other gangs there, there is generally two or three gangs opening the hatch.

Mr. BARNES. That is what I refer to?

Mr. FORTUNE. Oh, yes.

Mr. BARNES. Then you have two drafts?

Mr. FORTUNE. Yes; sometimes you will see three drafts coming up together when there are three gangs.

Mr. BARNES. Now, that is all in the square of the hatch; that is all being done in the square of the hatch. Now, do the men work below here all the time?

Mr. FORTUNE. Well, you know there is a big square hatch that is underneath a deck.

Mr. BARNES. Now, when you are on the lower deck there, there are men working right under that place, and for instance, if the iron bar which you speak of should drop out, there is likelihood of it hitting somebody?

Mr. FORTUNE. Why, sure.

Mr. BARNES. That does occur?

Mr. FORTUNE. I have seen men get hit with them several times.

Mr. BARNES. Now, there was some further ways in which accidents occur?

Mr. FORTUNE. Well, there is accidents in pretty near all branches of the business.

Mr. BARNES. And how about a man being caught in a winch? Did you ever know of a man being caught in a winch?

Mr. FORTUNE. Yes; I seen a man ground to death; cut to pieces.

Mr. BARNES. I understand the winches are all covered over?

Mr. FORTUNE. I never seen a winch covered over yet.

Mr. BARNES. A witness here yesterday stated they were all well protected and covered, but you have never seen them?

Mr. FORTUNE. No, sir.

Mr. BARNES. You have worked on the best ships and piers?

Mr. FORTUNE. I do.

Mr. BARNES. Is it not a fact that around the winches there is constantly oil pools?

Mr. FORTUNE. Well, yes; when the deck winchman comes along to oil the winches there is always a little oil more or less runs off, but there is holes for that to run into and run away.

Mr. BARNES. Is there anything specially provided to prevent the men slipping in that oil?

Mr. FORTUNE. No, sir; that is up to the man himself.

Mr. BARNES. Then on board ships they do have something occasionally when they have real slippery decks, don't they, when the men have to work on slippery decks?

Mr. FORTUNE. I never seen any man coming along and telling you what to do to protect yourself.

Mr. BARNES. You have never seen that?

Mr. FORTUNE. Never.

Mr. BARNES. So when the decks are slippery you have to run——

Mr. FORTUNE. The men have to run their own risk.

Mr. BARNES. Do you approve of the present way of hiring? I ask you this, Mr. Fortune, because, as I understand, you are the man at the gangway and you get hired regularly; but take the whole body of longshoremen, what do you think of the present way of hiring men? Is it good or bad?

Mr. FORTUNE. I don't think it is very good.

Mr. BARNES. Does it create a lot of loafing along the water front?

Mr. FORTUNE. It do so.

Mr. BARNES. Tell me the number of longshoremen you think there are in the port of New York.

Mr. FORTUNE. I guess there is 45,000 men.

Mr. BARNES. Now, you are a man employed rather steadily, and you get 5 cents an hour extra. Don't consider your average when I ask you this, but about what is the usual average earning of longshoremen throughout the entire port?

Mr. FORTUNE. I guess, one week with the other, he would earn, maybe, \$15 a week.

Mr. BARNES. On your pier?

Mr. FORTUNE. Well, that average; we have more, because some weeks I make \$35, and maybe more; maybe some weeks I would not make \$6.

Mr. BARNES. You have at times made as high as \$35?

Mr. FORTUNE. I have, sir, and have made over \$40 some weeks.

Mr. BARNES. How many hours of night work did you put in to make that?

Mr. FORTUNE. Well, I worked in the wintertime; I worked four half nights a week; I worked one whole night.

Mr. BARNES. You worked four half nights and one whole night?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. And all the days?

Mr. FORTUNE. Yes, sir; but you have got to include Sunday and all in that.

Mr. BARNES. And how many nights did you get to sleep at all?

Mr. FORTUNE. Well, say, I go to work Monday and work until 11 o'clock Monday night and work until 11 o'clock on Tuesday night, and then when the ship is sailing Thursday noon I would work from 7 o'clock Thursday morning until 12 o'clock Thursday noon; that is much the same.

Commissioner O'CONNELL. Then you would probably take a little sleep after that?

Mr. FORTUNE. I should think you would take a sleep.

Mr. BARNES. Do many of the men after coming out of that experience—do they want a drink?

Mr. FORTUNE. Well, I know men that drinks, but I would not keep a drink from a man.

Mr. BARNES. Under those conditions?

Mr. FORTUNE. No, sir.

Mr. BARNES. I know you are not a drinking man, but——

Mr. FORTUNE (interrupting). Well, I never seen the longshoremen going out of the way. I say if a man works all night he needs a drink.

Mr. BARNES. He needs a drink?

Mr. FORTUNE. He certainly do.

Mr. BARNES. Now, how about the heavy loads that they talk about here? Do you know anything about that?

Mr. FORTUNE. Yes, sir; that is a fact; I have known men to carry sugar for 15 and 20 hours on a stretch.

Mr. BARNES. About how much of that work? For instance, take your Pier 60, about how much of the time is spent in the carrying of heavy loads of that kind by the ordinary longshoreman—a third of his time?

Mr. FORTUNE. Well, I suppose those sugar ships comes up there once in a while and some of the men carry sugar all day and until 11 o'clock, and then they'll come back and carry sugar the next day until 3 or 4 o'clock, probably, the next day.

Mr. BARNES. That is all.

Commissioner O'CONNELL. Now, how heavy a package could you carry?

Mr. FORTUNE. Me? I would not carry a package in the hold; I would not work in the hold for anybody, because I would not want to do it.

Commissioner O'CONNELL. You never carried packages at all in the hold?

Mr. FORTUNE. No, sir; I would not think about going down in the hold to work.

Mr. BARNES. Why, Is it so objectionable?

Mr. FORTUNE. I would not be able to do the work.

Commissioner O'CONNELL. Aren't you an able-bodied man?

Mr. FORTUNE. That is all right, but my mind would not let me do it.

Mr. BARNES. On Pier 60 where you work constantly there is a very good class of longshoremen?

Mr. FORTUNE. Well, I think we can compete with the world in regard to longshoremen on Pier 60.

Mr. BARNES. How about the other piers throughout the city? Are they still high-class men doing the work there?

Mr. FORTUNE. Well, they hire a lot of Italians, I don't approve of Italians much myself.

Mr. BARNES. Aren't they good workmen?

Mr. FORTUNE. No, sir.

Mr. BARNES. They are not?

Mr. FORTUNE. No, sir.

Mr. BARNES. Do you work any gangs of Italians at your place at all?

Mr. FORTUNE. No, sir; we do not.

Mr. BARNES. You do not work any?

Mr. FORTUNE. No, sir.

Mr. BARNES. They do the coaling?

Mr. FORTUNE. They do coaling, and that is all they are fit to do.

Chairman WALSH. Mrs. Harriman would like to ask some questions.

Commissioner HARRIMAN. How long have you been over here?

Mr. FORTUNE. Me?

Commissioner HARRIMAN. Yes.

Mr. FORTUNE. I have been working longshore 19 years.

Commissioner HARRIMAN. Where were you born?

Mr. FORTUNE. Wexford, Ireland.

Commissioner HARRIMAN. Who do you think are the best workmen, the best nationality?

Mr. FORTUNE. You can't beat the Irish.

Commissioner HARRIMAN. What did you begin at?

Mr. FORTUNE. Me?

Commissioner HARRIMAN. Yes.

Mr. FORTUNE. Well, when I came here I just came down along here and stood and got in the shed with the rest of the longshoremen, and I got hired, just happened to be lucky, and I was a sailor and went to work.

Commissioner HARRIMAN. Did you say you were working on Pier 60?

Mr. FORTUNE. Yes, sir.

Commissioner HARRIMAN. Have you always worked for the White Star?

Mr. FORTUNE. Fourteen years for the White Star and three years for the Atlantic Transport.

Chairman WALSH. Are you a married man?

Mr. FORTUNE. Certainly, and have a family.

Chairman WALSH. How many children?

Mr. FORTUNE. Three.

Chairman WALSH. Are you a total abstainer?

Mr. FORTUNE. I would not care if every gin mill in New York was closed up. I never touch it.

Chairman WALSH. Three children?

Mr. FORTUNE. Yes, sir. One 12, the other 9, and the other 2.

Chairman WALSH. The 12 and 9 year olds are going to school?

Mr. FORTUNE. Yes, sir.

Chairman WALSH. In the public school in New York?

Mr. FORTUNE. No, sir. They go to the Sisters' School.

Chairman WALSH. Commissioner Garretson, do you want to ask any questions?

Commissioner GARRETSON. No, thank you.

Chairman WALSH. Are there any other questions? Mr. Barnes wants to ask another question.

Mr. BARNES. I want to ask you about the shape. About how many men as a rule will be turned away from a shape when a shape first comes in at your pier; how many men show up and how many are hired?

Mr. FORTUNE. There are times when 5,000 men are turned away.

Mr. BARNES. As a rule, what will be the usual number turned away, say, morning after morning?

Mr. FORTUNE. I guess from ten to twelve hundred, anyway, at least.

Mr. BARNES. You mean for all periods?

Mr. FORTUNE. I couldn't tell you about all periods.

Mr. BARNES. Have you seen as many as three or four hundred turned away from Pier 60?

Mr. FORTUNE. I am walking along the water front when I am not working, and I have seen 5,000.

Mr. BARNES. I want to know the day-after-day procedure. For instance, were you at the shape this morning?

Mr. FORTUNE. I worked this morning until 8 o'clock.

Mr. BARNES. How many men were turned away from that shape unhired?

Mr. FORTUNE. I didn't see it finished.

Mr. BARNES. Tell me of some other shape you have seen in the last few days; how many men were turned away?

Mr. FORTUNE. A big shape the other day at the *Aquitania*—a good many.

Mr. BARNES. Fifty or one hundred?

Mr. FORTUNE. Possibly 800.

Mr. BARNES. Seven or eight hundred turned away?

Mr. FORTUNE. Easy.

Mr. BARNES. Did you ever have an accident yourself?

Mr. FORTUNE. No, sir; I never was that unlucky.

Mr. BARNES. Did you ever have an accident in one of your hatches where a draft broke?

Mr. FORTUNE. Yes, sir; very often.

Mr. BARNES. Very often?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. Scattered the pigs of copper or iron or whatever it may have been?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. Did any accident result from that?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. What; a man killed?

Mr. FORTUNE. I have seen men killed and men with their legs cut off and men with all their limbs broke, in fact.

Mr. BARNES. When those men were brought up from the hold what was immediately done with them?

Mr. FORTUNE. The only thing I knew they were taken out on the dock and an ambulance rung up.

Mr. BARNES. They were laid on the dock?

Mr. FORTUNE. Laid on the four-wheel trucks and taken up to the office.

Mr. BARNES. They were laid on the four-wheel trucks and taken up to the office?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. And kept at the office until the ambulance came?

Mr. FORTUNE. Yes, sir.

Mr. BARNES. What sort of convenience have you on Pier 60 for hanging up your coats?

Mr. FORTUNE. When you hang up your coat and you go back you may not get it.

Mr. BARNES. Where is the place where you hang up your coat?

a Mr. FORTUNE. Leave it alongside close to you.

Mr. BARNES. The handiest to you?

Mr. FORTUNE. They have no special place.

Chairman WALSH. Are there any questions?

(No response.)

Chairman WALSH. That is all. Thank you, Mr. Fortune.

Mr. BARNES. Is Mr. John J. Kelly here?

(No response.)

Mr. BARNES. How about Patrick Powers; is Patrick Powers here?

TESTIMONY OF MR. PATRICK POWERS.

Mr. BARNES. Mr. Powers, you were formerly a longshoreman?

Mr. POWERS. Yes, sir.

Mr. BARNES. How long have you been out of work?

Mr. POWERS. About three or four weeks.

Mr. BARNES. Three or four weeks?

Mr. POWERS. Yes, sir. I got the position I have got now.

Mr. BARNES. You are still working now?

Mr. POWERS. No, sir. I am working in the city department now.

Mr. BARNES. How long since you worked at longshore work?

Mr. POWERS. Two months.

Mr. BARNES. Two months?

Mr. POWERS. Yes, sir.

Mr. BARNES. You have been a foreman, I believe?

Mr. POWERS. Yes, sir; some time ago.

Mr. BARNES. How many years as a longshoreman?

Mr. POWERS. 1873.

Mr. BARNES. From 1873 up to two months ago?

Mr. POWERS. Yes, sir.

Mr. BARNES. You were born in Ireland?

Mr. POWERS. Yes, sir.

Mr. BARNES. What did you do before you started to work as a longshoreman?

Mr. POWERS. I worked in the warehouses in Brooklyn.

Mr. BARNES. Worked in the warehouses in Brooklyn?

Mr. POWERS. Yes, sir.

Mr. BARNES. Then you commenced to shape?

Mr. POWERS. Yes, sir.

Mr. BARNES. And you have had all these years of experience as a longshoreman?

Mr. POWERS. Yes, sir.

Mr. BARNES. Is there as good a class of men doing longshore work now as formerly?

Mr. POWERS. No, sir.

Mr. BARNES. There is a higher rate of wage now, in the last year or so, than there was formerly?

Mr. POWERS. Yes, sir.

Mr. BARNES. Do the men make as high earnings now as in former years, average week after week?

Mr. POWERS. No, sir. You have to work more time now, and you got more pay then.

Mr. BARNES. What?

Mr. POWERS. You have got to work more now. They got more wages then.

Mr. BARNES. Men earned more per week 10 or 15 or 20 years ago?

Mr. POWERS. Thirty-five or forty years ago they got 40 cents an hour for days, 80 cents at night, and \$1 Sundays; 1873 and 1874.

Mr. BARNES. That was in the period soon after the Civil War?

Mr. POWERS. Yes, sir; I guess so.

Chairman WALSH. 1873 and 1874.

Mr. BARNES. It was that price then?

Mr. POWERS. Yes, sir. Forty cents an hour, 80 cents an hour, and \$1 an hour.

Mr. BARNES. One dollar for Sundays?

Mr. POWERS. Yes, sir.

Mr. BARNES. Eighty cents for nights?

Mr. POWERS. Yes, sir.

Mr. BARNES. And 40 cents for daywork?

Mr. POWERS. Yes, sir.

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Chairman WALSH. He begins at 1873. That is farther back than any other witness. Please have him state how it has developed, backward, upward, or downward.

Mr. BARNES. When did that price, when was that wage lowered?

Mr. POWERS. On the 16th of November, 1874.

Mr. BARNES. 1874?

Mr. POWERS. Yes, sir. We had a strike.

Mr. BARNES. What did it go down to?

Mr. POWERS. Some places they went to work steady. The average run on the sailer ships, they got 40 cents an hour and the steamships 30 cents an hour, the larger companies paid steady wages.

Mr. BARNES. You mean by the week?

Mr. POWERS. Yes, sir.

Chairman WALSH. What companies?

Mr. POWERS. We got \$12, \$14, and \$15 a week.

Mr. BARNES. Fourteen and fifteen dollars a week?

Mr. POWERS. Yes, sir.

Mr. BARNES. What was the name of some of the companies that employed their men by the week?

Mr. POWERS. The White Star was one.

Mr. BARNES. The White Star employed by the week at that time?

Mr. POWERS. Yes, sir.

Chairman WALSH. What others?

Mr. POWERS. The Cunard was paying them steady.

Mr. BARNES. How about the Clyde?

Mr. POWERS. That was not over on this side at that time.

Mr. BARNES. How long did the paying by the week last?

Mr. POWERS. It only lasted a few years, I guess, some places.

Mr. BARNES. Then when did you have your next change in wages?

Chairman WALSH. During that time, what was the pay per hour on those docks where they did not hire by the week?

Mr. POWERS. Thirty cents, I guess.

Mr. BARNES. Forty on the sailing vessels?

Mr. POWERS. Forty on the sailing vessels.

Mr. BARNES. And 30 cents on the steam vessels?

Mr. POWERS. Yes, sir.

Mr. BARNES. They even pay 40 cents to-day on some of the sailing vessels?

Mr. POWERS. Yes, sir; and on the steam vessels.

Mr. BARNES. Where they work daywork?

Mr. POWERS. Yes, sir.

Mr. BARNES. When was the next change in wages?

Mr. POWERS. I couldn't tell you that. I have forgotten all about it.

Mr. BARNES. Did you ever have to work for 25 cents an hour?

Mr. POWERS. No, sir.

Mr. BARNES. Have you a vague idea of when it went back up to 30 cents?

Mr. POWERS. Well, I couldn't remember. I don't remember.

Chairman WALSH. There was testimony here yesterday, Mr. Powers, that 21 years ago, or shortly prior to that time, that the wage generally was 20 cents an hour. Do you remember that time? Do you remember any such condition?

Mr. POWERS. No, sir; I never worked for 25 cents an hour. I worked for about 6 or 8 cents a month. I worked for two months for \$14 a week, and then I was raised to \$18 a week in the Mallory Line, and then all hands were discharged and went at the hourly work of 20 cents an hour.

Chairman WALSH. Come down to the time when they established the rate of 33 cents an hour.

Mr. BARNES. You know when the present rate went into effect, of 33 cents an hour, don't you?

Mr. POWERS. No, sir; I don't remember.

Mr. BARNES. What are the average earnings of the longshoreman to-day?

Mr. POWERS. Some make good money, and more, you can not tell what they make.

Mr. BARNES. Some make very low?

Mr. POWERS. Yes, sir.

Mr. BARNES. Take the whole average of all the port.

Mr. POWERS. It would be impossible for me to think of that thing.

Mr. BARNES. You couldn't figure that out?

Mr. POWERS. No, sir.

Mr. BARNES. Mr. Powers, did you ever have any accident yourself?

Mr. POWERS. Yes, sir.

Mr. BARNES. Will you tell us something about one or two of them, to the commission?

Mr. POWERS. I got a chain fell off the block as the gangwayman was hoisting up and it fell out of the hook and fell and broke the bone of my instep.

Mr. BARNES. How long did you lay up from that?

Mr. POWERS. Nine or ten weeks, and still after that I carried an iron plate in the sole of my foot to arch it up.

Chairman WALSH. Now?

Mr. POWERS. No, sir; not now, but for 8 or 10 weeks.

Mr. BARNES. What compensation did you get for that?

Mr. POWERS. They met me in the box and take me up and unloaded in the docks, and then I take my time and go to work, and when I was able to go to work I went back to work.

Mr. BARNES. And you didn't get anything?

Mr. POWERS. No, sir.

Mr. BARNES. What about another accident? Can you tell us of another accident you had?

Mr. POWERS. Yes, sir. A big roller fell down and struck me on the toe and broke my toe.

Mr. BARNES. How long were you laid up from that?

Mr. POWERS. Eight or ten weeks.

Mr. BARNES. What compensation did you get from that?

Mr. POWERS. They put me in the ambulance, take my time, and let me go home.

Mr. BARNES. Took your time?

Mr. POWERS. Yes, sir; the minute it occurred.

Mr. BARNES. You didn't get paid for the rest of the day.

Mr. POWERS. No, sir; didn't get paid for the half hour.

Commissioner GARRETSON. You did get paid for while it was hitting your toe?

Mr. POWERS. That might be if the half hour was getting ahead.

Mr. BARNES. Do you believe that it would be a good thing to have some State or city inspection of all the appliances in longshore work?

Mr. POWERS. Why, most undoubtedly. There should be an inspection of every kind of work outside of the working class of people and the company that is doing it.

Mr. BARNES. That is all.

Chairman WALSH. Are there any questions?

Commissioner COMMONS. What is the rate of wage you get as foreman?

Mr. POWERS. Thirty-five cents and forty cents an hour, day and night.

Commissioner COMMONS. How much more is that than the longshoremen get?

Mr. POWERS. Thirty and thirty-five.

Commissioner COMMONS. You get 5 cents more?

Mr. POWERS. Yes, sir.

Commissioner COMMONS. Have you kept the record of those years of what you have earned?

Mr. POWERS. No, sir.

Commissioner COMMONS. Do any of the longshoremen keep records?

Mr. POWERS. Yes, sir; a good many.

Commissioner COMMONS. What is the lowest that you earned when steadily employed?

Mr. POWERS. I didn't do no hiring.

Commissioner COMMONS. You didn't do any hiring?

Mr. POWERS. No, sir; the stevedore does that.

Commissioner COMMONS. Does the foreman get steady work more than the gang?

Mr. POWERS. Yes, sir. He is the first to go to work and the last knocked off.

Commissioner HARRIMAN. There was a statement made here yesterday that the foremen were hard on the men, drove them very hard. What do you think about that?

Mr. POWERS. Well, I don't know about that.

Commissioner HARRIMAN. You don't know?

Mr. POWERS. No.

Commissioner O'CONNELL. They use very profane language in the handling of men, don't they? Did you ever have a foreman swear at you when you were working as a regular workman?

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Mr. POWERS. Sure. They make a practice of that.
Commissioner O'CONNELL. Did you practice profanity yourself when you were foreman?
Mr. POWERS. No, sir. That is the reason I couldn't hold my position.
Commissioner O'CONNELL. Is that one of the requirements of being a good foreman—to be a good swearer?
Mr. POWERS. If you ain't, you don't hold your position.
Chairman WALSH. Are you a married man?
Mr. POWERS. Yes, sir.
Chairman WALSH. Have you raised a family?
Mr. POWERS. Yes, sir.
Chairman WALSH. How many living?
Mr. POWERS. Four.
Chairman WALSH. Boys or girls?
Mr. POWERS. Two boys and two girls.
Chairman WALSH. What avocation are the boys following?
Mr. POWERS. One of them is a clerk in the White Star and the other is a fireman in the city department.
Chairman WALSH. Are your daughters employed?
Mr. POWERS. My daughters are married.
Chairman WALSH. Both married?
Mr. POWERS. No, sir; not both. The other one is an invalid.
Chairman WALSH. Have you had more than four children?
Mr. POWERS. Yes, sir; there are four dead.
Chairman WALSH. Four dead?
Mr. POWERS. Yes, sir.
Chairman WALSH. And you have had eight children?
Mr. POWERS. Yes, sir.
Chairman WALSH. You have been a man of abstemious habits yourself? A man of good habits all your life?
Mr. POWERS. Yes, sir.
Chairman WALSH. That is all.
Commissioner GARRETSON. What company were you working for when the first injury took place?
Mr. POWERS. The White Star.
Commissioner GARRETSON. The second?
Mr. POWERS. The White Star.
Commissioner GARRETSON. That is the two-fingered man who testified yesterday. Commissioner Delano would like to ask you a question.
Commissioner DELANO. How are the conditions at the port of New York as compared with other large seaports; do you know?
Mr. POWERS. I never went around much. I generally worked only the two places, the White Star, and the Mallory, and the Clyde Co.
Commissioner DELANO. What is the gossip about conditions of New York as compared with Philadelphia, Boston, or Baltimore?
Mr. POWERS. I couldn't say. I have never bothered.
Commissioner DELANO. That is all.
Chairman WALSH. That is all. Thank you, Mr. Powers.
The commission will now stand adjourned until 2 o'clock, to meet in the same room at 2 o'clock.
(Whereupon, at 12.30 p. m., the commission adjourned to 2 o'clock p. m.)

AFTER RECESS.

Chairman WALSH. The commission will please be in order.

TESTIMONY OF MR. DENNIS DELANEY.

Mr. BARNES. Mr. Delaney, have you been a longshoreman?
Mr. DELANEY. Yes, sir.
Mr. BARNES. How many years?
Mr. DELANEY. Twenty-four.
Mr. BARNES. Twenty-four?
Mr. DELANEY. Yes, sir.
Mr. BARNES. You are out of the longshore work just now?
Mr. DELANEY. Yes, sir.

- Mr. BARNES. And you have been for a little while?
- Mr. DELANEY. Four years.
- Mr. BARNES. Have you kept in touch with it?
- Mr. DELANEY. Somewhat.
- Mr. BARNES. You know conditions to-day largely as they exist?
- Mr. DELANEY. Yes, sir.
- Mr. BARNES. There has been a great deal of talk here from the other witnesses about different parts of the work. I wish that you would explain to the commission, for instance, what is meant by a dock or a hold man?
- Mr. DELANEY. That is a man who works inside in the ship.
- Mr. BARNES. Down in the hold?
- Mr. DELANEY. Yes, sir.
- Mr. BARNES. What is his duty?
- Mr. DELANEY. His duty?
- Mr. BARNES. When the ship first comes in what does he do?
- Mr. DELANEY. He slings up the cargo and brakes the tiers and puts them in rope slings.
- Mr. BARNES. He brakes—what do you mean by brakes the tiers?
- Mr. DELANEY. Out of the tiers.
- Mr. BARNES. Where is that?
- Mr. DELANEY. Stored inside; in the hold. He takes it out, whatever it may be.
- Mr. BARNES. In the first place, the ordinary vessel that comes in here, the eight or nine hatch vessel, what we will say floors, taking that for convenience; how many floors or decks has it down under the water, down to the skin of the ship?
- Mr. DELANEY. Three or four.
- Mr. BARNES. Name those decks rapidly.
- Mr. DELANEY. You have the steerage deck, second steerage deck, the overlap and lower overlap, and the hold.
- Mr. BARNES. And you mean the men brake up the cargo from those different decks?
- Mr. DELANEY. Those different decks.
- Mr. BARNES. Whatever goods or bales or barrels, whatever it may be, are tied up in there?
- Mr. DELANEY. Yes.
- Mr. BARNES. That is the duty of a hold man?
- Mr. DELANEY. Yes, sir.
- Mr. BARNES. He puts rope slings around it?
- Mr. DELANEY. Yes; rolls the stuff onto the rope slings.
- Mr. BARNES. Then that rope sling is attached to a fall that comes down the hatchway?
- Mr. DELANEY. Hooked onto that fall.
- Mr. BARNES. And the power—
- Mr. DELANEY. (Interrupting). The man on deck hoists it up.
- Mr. BARNES. And when it reaches the deck?
- Mr. DELANEY. Then it is put on the Burton fall and thrown onto the dock.
- Mr. BARNES. And swung onto the pier?
- Mr. DELANEY. Yes.
- Mr. BARNES. That is the duty of the hold man when he is discharging?
- Mr. DELANEY. Yes.
- Mr. BARNES. What does he do when goods are taken in?
- Mr. DELANEY. He receives the goods down below and stows them—stows them shipshape, so that they won't move; no matter how the ship moves they will be stowed in such a way that the ship can move, but the goods do not move.
- Mr. BARNES. In other words, he stows them perfectly tight?
- Mr. DELANEY. Yes, sir.
- Mr. BARNES. What does he do if there happens to be a little place where goods will not go?
- Mr. DELANEY. Gets something small enough to be put in there; if not, some dunnage—wood.
- Mr. BARNES. He gets some wood and puts in there?
- Mr. DELANEY. Yes.
- Mr. BARNES. He makes everything perfectly tight?
- Mr. DELANEY. Yes, sir.
- Mr. BARNES. What about the deck man; what does he do? The different things that a deck man does?

Mr. DELANEY. The gangway man tends the hatch; sees that the fall comes up and goes down.

Mr. BARNES. He gives the signals?

Mr. DELANEY. Yes.

Mr. BARNES. Mr. Fortune was on the witness stand this morning. He is a gangway man?

Mr. DELANEY. He is the man who gives the signals for the fall to go up and down to hoist the draft.

Mr. BARNES. What do you mean on the up and down fall?

Mr. DELANEY. He is at the drum end.

Mr. BARNES. Drum end of what?

Mr. DELANEY. Of the winch; the drum end of that up and down fall. A couple of tons taken up and down.

Mr. BARNES. The drum ends of the winch are constantly revolving all during the operation? It passes the rope around it?

Mr. DELANEY. Yes, sir.

Mr. BARNES. Then he lets that pull until it commences to coil on the drum end?

Mr. DELANEY. Yes, sir.

Mr. BARNES. Then there are winchmen, gangway men, and what other kind?

Mr. DELANEY. Then the Burton fall.

Mr. BARNES. That is the fall that swings it—the Burton crosses the vessel, you mean?

Mr. DELANEY. Yes, sir.

Mr. BARNES. What other kind of man?

Mr. DELANEY. Men at the winch, turning on the steam.

Mr. BARNES. The man that turns on the steam to the winch?

Mr. DELANEY. Yes, sir; turns it on and off.

Mr. BARNES. Then the two men at the drum ends, then the hooker on, and the Burton man?

Mr. DELANEY. Yes, sir.

Mr. BARNES. Is a hooker on the same as a Burton man?

Mr. DELANEY. No; he has—

Mr. BARNES (interrupting). What is the difference?

Mr. DELANEY. He has to pull that Burton hook to it, and he has to make it fast, so as to swing it out on the pier.

Mr. BARNES. So that is simply reversed in discharging and loading, is it?

Mr. DELANEY. Yes.

Mr. BARNES. What other class of men are there?

Mr. DELANEY. The dock men.

Mr. BARNES. What do the dock men do? For instance, in discharging, whenever his Burton crosses the vessel and is lowered down on the pier, the goods are still in a sling?

Mr. DELANEY. Yes, sir.

Mr. BARNES. What is done with them?

Mr. DELANEY. There is two men at the foot of the skid landers, they call it.

Mr. BARNES. Landing skid?

Mr. DELANEY. Yes; so bal they call it now; used to call it landing skid. And these two men land the draft and unhook it and take the draft off and put them on trucks and other men truck them away. Other men then are there to take these goods and tier them up and keep all kinds to itself.

Mr. BARNES. They have to tier them up properly?

Mr. DELANEY. Yes.

Mr. BARNES. That describes the work of three different classes of men. Now, have you two—at most piers—men at the head of the work who, if the men are a little green, directs them how to solidly pack?

Mr. DELANEY. Yes; he gets 5 cents an hour extra for that.

Mr. BARNES. That is called what?

Mr. DELANEY. A header. He sees that all goods are properly stowed.

Mr. BARNES. Then there are foremen, the head stevedore, then the foremen under him who goes to various parts of the vessel; the gangway man who directs all this motion, and the header down below, who either helps to brake out or to store—I mean who directs the braking out or storing?

Mr. DELANEY. Yes.

Mr. BARNES. Now, tell me, Mr. Delaney, why it is that the longshoremen of this port have not been able to enforce regulations any better than they have. Give me that just concretely?

Mr. DELANEY. They don't control the situation in its entirety.

Mr. BARNES. For what reason?

Mr. DELANEY. Because they were not organized enough.

Mr. BARNES. And they were organized into how many different organizations?

Mr. DELANEY. Lately there have been two different organizations.

Mr. BARNES. Opposed to one another?

Mr. DELANEY. Opposed to one another.

Mr. BARNES. You think that had a great deal to do with it?

Mr. DELANEY. No; before even that state of affairs existed they were not in a position to enforce rules to their own satisfaction.

Mr. BARNES. They never have been strongly organized more than once or twice, to enforce anything here?

Mr. DELANEY. Previous to 1887, up to the time of the Knights of Labor strike, the longshoremen at the time were pretty well organized. They have not been as well organized since. They were pretty well organized all over the port at the time, although they had different unions—No. 1, No. 2, and No. 3—without any central body; still they all, when it came down to a grievance, they were all united against the enemy.

Mr. BARNES. But only when you had a deep grievance?

Mr. DELANEY. Yes.

Mr. BARNES. You were a beach walker at one time, were you not?

Mr. DELANEY. Yes, sir.

Mr. BARNES. A beach walker is about the same as a walking delegate?

Mr. DELANEY. Yes, sir.

Mr. BARNES. That caused you to go all over the port?

Mr. DELANEY. Yes, sir.

Mr. BARNES. Could you tell me—has there always been, or has there been in the last 10 or 12 years, especially, always a large reserve force of men? I mean, at all of these piers do they constantly turn away a large number of men from each shape?

Mr. DELANEY. Yes. But during the years 1906 and 1907 longshoremen were very scarce those years. They were scarcely enough of them to handle the work.

Mr. BARNES. That has never been the state of affairs since, has it?

Mr. DELANEY. No.

Mr. BARNES. How about that right now?

Mr. DELANEY. I believe the supply is about 10 times greater than the demand.

Mr. BARNES. So much?

Mr. DELANEY. Yes.

Mr. BARNES. Do you see shapes occasionally now?

Mr. DELANEY. I have not seen any in four years.

Mr. BARNES. You have not seen one?

Mr. DELANEY. No.

Mr. BARNES. Four years ago, when you last saw shapes, were men turned away in large numbers?

Mr. DELANEY. Yes.

Mr. BARNES. They were?

Mr. DELANEY. Yes.

Mr. BARNES. What do you think is the average earnings of longshoremen in this port? By the way, I wish to remind you, Mr. Delaney—you will remember that I met you some years ago, and I asked you not only to keep, but you did prior to that keep a long list of the earnings. Do you remember that?

Mr. DELANEY. Yes.

Mr. BARNES. Do you remember the average for three years per week?

Mr. DELANEY. No; not exactly.

Mr. BARNES. You actually kept—

Mr. DELANEY (interrupting). I kept them, sir, but I have not got them now.

Mr. BARNES. Do you remember that it was something under \$11?

Mr. DELANEY. I remember something around those figures.

Mr. BARNES. Something under \$11 for three years, during the time when, I believe, work was very good?

Mr. DELANEY. Yes.

Mr. BARNES. Are you a drinking man?

Mr. DELANEY. No, sir.

Mr. BARNES. You never drank?

Mr. DELANEY. No, sir.

Mr. BARNES. You always hung out for all the work you could get?

Mr. DELANEY. Yes.

Mr. BARNES. Yet in three years of very close application you showed that you earned, I think it was, \$10.80 per week, as near as I can remember it now. Do you remember that?

Mr. DELANEY. Something around those figures, I believe.

Mr. BARNES. And was not a large part of that time—did I not show you after you had given me those books that a large part of that was night work?

Mr. DELANEY. Yes.

Mr. BARNES. Did I not surprise you with the amount of night work that you had done?

Mr. DELANEY. No; you did not.

Mr. BARNES. Well, Mr. Delaney, what about the treatment of the men in this port? Do you think that, taking the port over, that the men are well treated by the foremen and those over them?

Mr. DELANEY. Well, if they could be treated worse I would like to see it—if any class of men could be treated worse.

Mr. BARNES. In what way?

Mr. DELANEY. Abuse.

Mr. BARNES. Give us a concrete example.

Mr. DELANEY. They abuse you.

Mr. BARNES. You mean simply cursing them?

Mr. DELANEY. Yes; and forcing them to speed up and get greater results from them, and make them do actually more than they were able to do, forcing them to do it under threat of knocking them off and leaving them idle.

Mr. BARNES. If a man should turn on a foreman, what would be the result?

Mr. DELANEY. What would be the result?

Mr. BARNES. Yes.

Mr. DELANEY. He would get the gates.

Mr. BARNES. He would get the gate?

Mr. DELANEY. Yes.

Mr. BARNES. Is it a fact that in this port now—or at least when you knew it, and as you know something about it now—that foremen do rotate in hiring the men so as to keep a large reserve force? I mean that a man will be hired on this ship and then dropped the next ship, and so on, so as to attract them to come to the pier again and again?

Mr. DELANEY. That was always a custom.

Mr. BARNES. That was always a custom?

Mr. DELANEY. Yes.

Mr. BARNES. Well, you stated this quite well. I will try to ask you, do you believe it is possible for men to be hired at stated hours?

Mr. DELANEY. At stated hours?

Mr. BARNES. Yes; a stated time in the day.

Mr. DELANEY. Yes; I think it would be much better for the men.

Mr. BARNES. Why so?

Mr. DELANEY. Because it would keep them from hanging around the street and resorting to the liquor stores, and for the employers—they would have a sober lot of men.

Mr. BARNES. Are the men as good to-day as 10 years ago—the class, as a whole?

Mr. DELANEY. No, sir.

Mr. BARNES. They are not?

Mr. DELANEY. No, sir; they are not—either physically or mentally.

Mr. BARNES. You say there are a great many over and above the number necessary to do the work. About how many are there in this port? Make a guess.

Mr. DELANEY. Over and above?

Mr. BARNES. No; I mean make your entire estimate. How many men earn more or less of a living at longshore work in this port?

Mr. DELANEY. About 35,000.

Mr. BARNES. About 35,000?

Mr. DELANEY. Yes, sir.

Mr. BARNES. Mr. Delaney, you know something about—I think that the last work you did was on the coastwise vessels?

Mr. DELANEY. Yes, sir; just a few hours.

Mr. BARNES. Just enough so you know about it?

Mr. DELANEY. Yes.

Mr. BARNES. Are the conditions on the coastwise lines much worse than they are on the—

Mr. DELANEY (interrupting). About the same way.

Mr. BARNES. About the same?

Mr. DELANEY. Yes.

Mr. BARNES. They never have been organized on the coastwise lines to any extent, have they?

Mr. DELANEY. No, sir.

Mr. BARNES. Did you ever know at any time or on any of the piers whether they have rooms set apart for giving first aid to the injured, or for a rest room, or anything of that kind?

Mr. DELANEY. That was never so; it is not there yet; I don't think.

Mr. BARNES. Did you ever have a place to hang your coat and hat?

Mr. DELANEY. On the floor.

Mr. BARNES. No conveniences?

Mr. DELANEY. No.

Mr. BARNES. No place to wash your hands; towels?

Mr. DELANEY. No.

Mr. BARNES. Do you ever see a towel on a pier?

Mr. DELANEY. A towel? Your pocket handkerchief.

Mr. BARNES. Now I want you to tell me something about the accidents, Mr. Delaney.

Mr. DELANEY. Well, as a matter of fact, I have never seen an accident myself; I have been very fortunate in that respect.

Mr. BARNES. Did you ever keep a list of accidents?

Mr. DELANEY. Yes, sir.

Mr. BARNES. You did?

Mr. DELANEY. Yes.

Mr. BARNES. Were they numerous?

Mr. DELANEY. Yes, sir.

Mr. BARNES. Give an account of one or two accidents to show how they happened?

Mr. DELANEY. Well, only last year there were two men working together in a square of the hatch—what you say in a mine would be the shaft—and they were making up a draft; and they were, after booking it to another draft, it had been hoisted on deck, but had not cleared the combings; and those two men were working down below making up a draft, and it came back and killed the two—crushed the two men right in the shaft there—and the two men were married men—married to two sisters—and it left little families unprotected. Another man who was well known, John O'Neill; he went by the title of Honest John; was a man of large family, too; and he was working on the French Pier, and he happened to be one of the men that accepted work there during the dinner hour—that is, from 12 o'clock to 1 o'clock—and he was doing some work under the square of the hatch preparing to land a piece of machinery that was being slung out on the pier; and as they went to hoist up to take the weight on it the gin overhead gave way and came down and crushed his brains out right there in the hatch.

Commissioner DELANO. About that now—describe what you mean by gin?

Mr. DELANEY. It is a big iron block that is made fast on a spar or on the end of a boom and to it is a single fall or double fall rove through it.

Mr. BARNES. The fall or rope is roved through the gin or block?

Mr. DELANEY. Yes, sir.

Mr. BARNES. What part of the block gave way?

Mr. DELANEY. The whole thing gave way.

Mr. BARNES. I know, but what particular thing gave way. Something had to give way to cause that to fall. Was it a bolt or pin or what?

Mr. DELANEY. Well, I am not clear on that, Mr. Barnes, for I was not there.

Mr. BARNES. I know, but you have heard the story.

Mr. DELANEY. I was not told exactly what it was, but that gin gave down.

Mr. BARNES. What I want to bring out is, do you think it would have been possible to have avoided that by having a proper inspection of the place where it gave way?

Mr. DELANEY. Why, yes; proper inspection would have saved the situation there by parties who put up the gin—not the gin, but the masthead. It might be at the head. If that was inspected before it was put over and not allowed to lift such a heavy weight, it would not have occurred at all.

Mr. BARNES. Now, you heard this morning, I think you were here; you heard this morning the statement about the storekeeper seeing that the gear is in good condition before it goes out; and after that it is up to the gangway

man or whatever man is in charge to see that it stays in good condition. From your knowledge of the work, suppose that the gangwayman is frequently complaining about the rope or different appliances, what would become of him?

Mr. DELANEY. Why, he would be told he was a kicker.

Mr. BARNES. Would it result in his keeping his place or not?

Mr. DELANEY. Well, if he complained too often, why somebody else would be put in his place.

Mr. BARNES. Well, is it a fact that the men are afraid to report things? A gangwayman, who has a good position at 5 cents an hour advance, is it not true that the gangwayman is afraid he will lose his position if he makes too many complaints?

Mr. DELANEY. He don't make too many complaints.

Mr. BARNES. Why won't he make too many complaints?

Mr. DELANEY. Well, he knows why. They have a reason for that.

Mr. BARNES. Now, about diseases; what diseases are prevalent among longshoremen?

Mr. DELANEY. Well, rheumatism, pneumonia, and tuberculosis brought on from getting wet and the long hours of work, and sometimes after working a day and a night they are ordered back again under the penalty, "Don't come any more if you don't come back," and a man may not be feeling well and he will go to his home and he will come back, knowing that he is taking his life in his hands, and then he will go back home and go back to bed and never get up?

Mr. BARNES. How about ruptures; are there many cases of that?

Mr. DELANEY. No; I have not known of but a few; I don't know about that.

Mr. BARNES. You don't know whether there are many cases, personally?

Mr. DELANEY. No.

Mr. BARNES. Now, about the shelter. Do you know anything about this shelter, or has this been established since you left the longshore work?

Mr. DELANEY. Well, yes; I know—

Mr. BARNES (interrupting). Has it been beneficial to the men?

Mr. DELANEY. I hear every man speak in favor of it.

Chairman WALSH. What is your age, Mr. Delaney?

Mr. DELANEY. Forty-eight, sir.

Chairman WALSH. Where were you born?

Mr. DELANEY. In Ireland.

Chairman WALSH. Whereabouts?

Mr. DELANEY. In County Cork.

Chairman WALSH. Married man?

Mr. DELANEY. Yes, sir.

Chairman WALSH. How many children have you?

Mr. DELANEY. Four living and three dead.

Chairman WALSH. Any of them grown?

Mr. DELANEY. Yes; three.

Chairman WALSH. What are the ages of your children?

Mr. DELANEY. The girl is 23, and the boy 21—

Chairman WALSH. What does your boy do?

Mr. DELANEY. Driving an express wagon.

Chairman WALSH. Did he receive some education?

Mr. DELANEY. Yes, sir.

Chairman WALSH. Whereabouts?

Mr. DELANEY. In the parochial school.

Chairman WALSH. Has your daughter any employment?

Mr. DELANEY. Yes, sir.

Chairman WALSH. In what way is she employed?

Mr. DELANEY. She is employed in a factory where they make yeast.

Chairman WALSH. And where have you lived during the years you have worked on the docks?

Mr. DELANEY. The last place when I worked on the piers I lived at 95 Perry Street.

Chairman WALSH. Close to your work there?

Mr. DELANEY. It was convenient.

Chairman WALSH. In these neighborhoods there are convenient schools for children and church facilities?

Mr. DELANEY. Yes, sir.

Chairman WALSH. Church-going people are you?

Mr. DELANEY. Yes, sir.
 Chairman WALSH. What business are you in now?
 Mr. DELANEY. I am a special officer for the American Seamen's Friends Society, at their institute at 507 West Street.
 Chairman WALSH. How long have you been in that employment?
 Mr. DELANEY. Four years, sir.
 Chairman WALSH. That is all; thank you.
 Mr. BARNES. Just in that connection I will ask you, are longshoremen allowed in seaman's places?
 Mr. DELANEY. Well, they are not exactly asked in there.

TESTIMONY OF MR. THOMAS PETERSEN.

Mr. BARNES. What is your position?
 Mr. PETERSEN. Foreman.
 Mr. BARNES. Where?
 Mr. PETERSEN. On the American Hawaiian Steamship Co. Pier.
 Mr. BARNES. That is one of the Bush Docks?
 Mr. PETERSEN. Yes.
 Mr. BARNES. Are you at the upper Bush Dock?
 Mr. PETERSEN. Yes; Pier 6 working for stevedores, Blanchard & Turner.
 Mr. BARNES. You work for Blanchard & Turner?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. These stevedores for which you are foreman have all the work for the American Hawaiian Steamship Co.?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. Now, Mr. Petersen, let us establish a couple of facts so we can go on. All of your men that you employ there that are not Italians, are white men? You employ white men and Italians?
 Mr. PETERSEN. In discharging we employ all Italians, and in loading all white men—all nationalities.
 Mr. BARNES. Now, you say you use Italians for discharging. Why is that?
 Mr. PETERSEN. Well, when Blanchard & Turner went into this work about five years ago for the American Hawaiian Steamship Co. they always hired Italian people previous to that; that is the reason we kept the people together to do their discharging.
 Mr. BARNES. But now you use white men for loading?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. Why do you do that?
 Mr. PETERSEN. Because the white men were always doing the work for the Hawaiian Steamship Co. before they went into the stevedore work.
 Mr. BARNES. Yes; but why do you put the Italians at discharging and the white men at stowing. Are not the white men better for stowing?
 Mr. PETERSEN. Because the Italians are not qualified for it—stowing.
 Mr. BARNES. The Italians are not?
 Mr. PETERSEN. They might take the time to, but what we might do in two days they might take a week.
 Mr. BARNES. So you make a division between the Italians and white men and put the white men to stowing and the Italians to discharging?
 Mr. PETERSEN. Yes.
 Mr. BARNES. Because you consider the Italians not as good at stowing?
 Mr. PETERSEN. Not as good.
 Mr. BARNES. Now, how many years have you been in this business?
 Mr. PETERSEN. About 35 years.
 Mr. BARNES. Do you think that the class of men, as a whole, doing the work to-day are as good as it was 20 years ago?
 Mr. PETERSEN. No, sir.
 Mr. BARNES. It is not?
 Mr. PETERSEN. No, sir.
 Mr. BARNES. Why do you think it is not as good? I mean, what has caused it not to be so good?
 Mr. PETERSEN. Well, the cause has been the strikes, in general.
 Mr. BARNES. The strikes?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. You mean that when a strike—

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Mr. PETERSEN. When a strike broke out the men would drift around for three or four weeks and then drift away from longshore work and get in some other vocation.

Mr. BARNES. And the strike breakers that were brought in were a poorer class of men?

Mr. PETERSEN. Were a poorer class of men, and they would go on after the strike was over and work as longshoremen.

Mr. BARNES. The strike breakers were a poorer class of men, and they would come in during the strike, and after the strike was over the longshoremen themselves would have largely gone into other vocations, and you kept these strike breakers?

Mr. PETERSEN. Yes; because it was the only kind the company could get.

Mr. BARNES. About what do you think is the average wage of your men over there—your Italians and white men?

Mr. PETERSEN. Well, at the present time, since the war started with Mexico our ships generally run to Mexico. Before the war started we were making \$1 to \$20 a week on an average. Now we are making \$10 and \$12. The ships load now to go around to San Francisco through the Straits of Magellan.

Mr. BARNES. Do you have on your Bush Pier No. 2—

Mr. PETERSEN. Bush Pier 6.

Mr. BARNES. Oh, you are on Pier No. 6?

Mr. PETERSEN. Yes.

Mr. BARNES. You are on Bush Pier No. 6?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. On Bush Pier No. 6 do you have any place for the men to loaf in between times while they are waiting to be employed?

Mr. PETERSEN. No, sir; there is not.

Mr. BARNES. You don't have any room set aside for first aid for the injured do you?

Mr. PETERSEN. No, sir.

Mr. BARNES. You don't keep anything of that kind?

Mr. PETERSEN. No, sir.

Mr. BARNES. Where do the men hang up their hats and coats—any place?

Mr. PETERSEN. At the gate they generally have a nail up on the door and hang their clothes.

Mr. BARNES. Do you hire over there just the same as you have heard of hiring being done down here? The foreman goes out and selects his men from the shape?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. About how many men are turned away? We will not speak about the present time, because you say you are in a little different circumstances, but under ordinary circumstances about how many men are turned away from the shape in the morning? You do the hiring?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. When you hire 300 men, that is about the number it takes?

Mr. PETERSEN. About 150 men I hire at the present time.

Mr. BARNES. About 150 men?

Mr. PETERSEN. Yes.

Mr. BARNES. How many will you turn away?

Mr. PETERSEN. There might be sometimes about 20 or 25; that is about now at the present time. Sometimes I do not turn any away.

Mr. BARNES. Didn't you formerly employ about 300 men?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. About how many men did you turn away then?

Mr. PETERSEN. Some days I would use them all and some days there would not be so much work to do. I might leave out 40 or 50 men.

Mr. BARNES. Out of the 300?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. Do you have many accidents at your pier?

Mr. PETERSEN. Very seldom.

Mr. BARNES. How about small hurts—a good many small hurts?

Mr. PETERSEN. A man may get his finger hurt, get a toe jammed, or something like that.

Mr. BARNES. Something that does not lay him up more than a day or two or a half a day?

Mr. PETERSEN. No, sir; in Capt. Blanchard's office we have all kinds of medicines to fix them right up.

Mr. BARNES. At the far end of the pier?
 Mr. PETERSEN. Yes, sir; right in the office.
 Mr. BARNES. Have you ever worked at any other port but New York?
 Mr. PETERSEN. Yes, sir; in Baltimore.
 Mr. BARNES. In Baltimore?
 Mr. PETERSEN. Yes, sir; for a couple of months only.
 Mr. BARNES. What did you do there; work as a stevedore?
 Mr. PETERSEN. Yes, sir; longshoreman at Locust Point.
 Mr. BARNES. How long ago has that been?
 Mr. PETERSEN. 1876.
 Mr. BARNES. Too far back to make any comparison?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. Do you know anything about the work abroad?
 Mr. PETERSEN. Not a great deal.
 Mr. BARNES. You don't know anything about that?
 Mr. PETERSEN. Of course, I know about the working part; I saw it in vessels in Chile and all the way up as far as Panama; men doing the work along the coast on the ships themselves.
 Mr. BARNES. For 35 years you have been doing longshore work?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. Tell me some changes that have been made in those 35 years in the gear for handling cargoes. Show me where there has been a change.
 Mr. PETERSEN. There has been big changes.
 Mr. BARNES. What?
 Mr. PETERSEN. In former years they would not undertake—any ship—to hoist a piece of machinery more than 2 or 3 tons themselves.
 Mr. BARNES. I didn't catch that.
 Mr. PETERSEN. They would not undertake to handle a piece of machinery more than 2 or 3 tons; they would get a derrick to put it in.
 Mr. BARNES. A derrick came along their side?
 Mr. PETERSEN. Yes, sir; either one of Chapman's or the Interstate derricks; we handle as much as 40 tons on board our ships; tested for 40 tons.
 Mr. BARNES. You make a double purchase?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. Heavy purchase?
 Mr. PETERSEN. Yes, sir. I have handled as high as 27 tons myself.
 Mr. BARNES. You have the same block?
 Mr. PETERSEN. We have a special boom.
 Mr. BARNES. The same principle as you had in former years?
 Mr. PETERSEN. There never was that in former years, because they had a single boom and a single fall.
 Mr. BARNES. And now you have an extra heavy boom and fall made double?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. Two blocks?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. One above and one below?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. That increases the strength?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. But there is no difference in the principle. Now, in what other thing has there been a change? Tell me some way that you have changed it. You told me that you can lift heavier loads because you put on a double purchase. What other things have you changed in the last 35 years? You still use hand trucks?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. You used those 35 years ago?
 Mr. PETERSEN. The same thing.
 Mr. BARNES. The same thing?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. The same slings?
 Mr. PETERSEN. Yes, sir.
 Mr. BARNES. Do you have any higher combers around the hatch now than formerly?
 Mr. PETERSEN. No, sir; just about the same.
 Mr. BARNES. Just about the same?
 Mr. PETERSEN. Yes, sir.

Mr. BARNES. Then, as far as you can tell me, there has not been any change made in the working gear for handling cargoes except the double purchase?

Mr. PETERSEN. Well, there has; in former years they used to just have a small winch on a dock to hoist it up.

Mr. BARNES. A winch?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. Steam winch?

Mr. PETERSEN. Yes, sir; they used to have horse some years ago.

Mr. BARNES. That was back of 35 years ago?

Mr. PETERSEN. No, sir; it is not even 35 years ago.

Mr. BARNES. Not generally?

Mr. PETERSEN. Not generally.

Mr. BARNES. The only thing is, then, that they used horsepower whereas you use steam power now?

Mr. PETERSEN. Use steam power now.

Mr. BARNES. The winches are practically the same excepting they are made larger and better?

Mr. PETERSEN. Yes, sir; on certain vessels. On later vessels, better improvements on winches.

Mr. BARNES. Can you tell me any other improvements? Do you see any change in the cranes they had for handling cargoes in other ports—you have never been in other ports?

Mr. PETERSEN. No, sir.

Mr. BARNES. Your piers are the same as the Chelsea piers?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. They are just the same in all respects as the piers down here on the Morgan Line, are they not, except inside, are they not?

Mr. PETERSEN. Pier 6 is 300 feet long—

Mr. BARNES. Except inside, they are the same as the Morgan piers, the ones the White Star moved from years ago?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. Just the same?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. No change in that? You lift the side up and there you are?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. They have a permanent Burton down on your piers, haven't they?

Mr. PETERSEN. No, sir; they have on the Chelsea piers.

Mr. BARNES. Haven't you?

Mr. PETERSEN. No, sir; we use our ships' booms.

Mr. BARNES. You are further back still than I thought. Well, Mr. Petersen, is the longshoremen's condition in this port a good one or bad one, from the standpoint of the workingman?

Mr. PETERSEN. It is quite fair.

Mr. BARNES. Quite fair?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. Do you think that he is treated well at all places?

Mr. PETERSEN. As far as I know; I know my men is treated right.

Mr. BARNES. Do you think that obtains all over the port?

Mr. PETERSEN. If it ain't, it can be improved to that effect.

Mr. BARNES. What is that?

Mr. PETERSEN. It can be improved to that effect.

Mr. BARNES. It can be improved to that effect?

Mr. PETERSEN. Yes, sir; my men do not hang around the corners.

Mr. BARNES. Don't your men drink?

Mr. PETERSEN. No, sir; I would not say they do not drink, but when a ship is finished I will tell the men exactly what time to be out the next day for the starting of the other ship. Suppose a ship goes out at 3 or 4 o'clock in the afternoon, and I intend to start the other ship about 8 or 9 o'clock the next morning, I will say: "Men, be out for 8 or 9 o'clock in the morning." They will go home; they won't hang around the corners.

Mr. BARNES. Did you take on—do you take on and lay off men at any time of the day?

Mr. PETERSEN. Yes, sir; if the gang knocks off around 3 or 4 o'clock in the afternoon, I will tell them to go right home and come out the next day.

Mr. BARNES. Do you never have men waiting outside the pier, hoping that you will take them on some time in the day?

Mr. PETERSEN. No, sir.

Mr. BARNES. Then it is possible for you to so arrange your work——

Mr. PETERSEN. I can arrange it to that effect the next day.

Mr. BARNES. You can?

Mr. PETERSEN. By employing more men.

Mr. BARNES. You carry passengers?

Mr. PETERSEN. No, sir.

Mr. BARNES. All freight?

Mr. PETERSEN. Yes, sir.

Mr. BARNES. And yet on freight men, the freight men that you can arrange to have your men go away and know when to come back; and yet those passenger lines, which are supposed to run on regular schedules, say it can not be done.

Mr. PETERSEN. It can be done.

Mr. BARNES. Then they are mistaken when they say it can not be done?

Mr. PETERSEN. That is right.

Mr. BARNES. That is all.

Chairman WALSH. Commissioner Garretson would like to ask some questions.

Commissioner GARRETSON. Then, Mr. Petersen, you are familiar with the Liverpool plan of hiring and paying men?

Mr. PETERSEN. Yes, sir.

Commissioner GARRETSON. You believe it could be applied here without great hardship?

Mr. PETERSEN. Yes, sir; I have worked on the White Star myself.

Commissioner GARRETSON. How long have you been a foreman, Mr. Petersen?

Mr. PETERSEN. I have been a foreman about 18 years.

Commissioner GARRETSON. Were you here this forenoon?

Mr. PETERSEN. Yes, sir.

Commissioner GARRETSON. You heard the testimony about the accomplishments of the foreman?

Mr. PETERSEN. I did.

Commissioner GARRETSON. Are you equipped?

Mr. PETERSEN. I am, sir.

Commissioner GARRETSON. You could not spread a sample on the minutes?

(No response.)

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner LENNON. Mr. Petersen, how many hours continuously do men work on your dock?

Mr. PETERSEN. If we are busy, we have to work nights; generally work one night until 11 o'clock and then go home, and the next day, then the third day again we will work till 11 o'clock.

Commissioner LENNON. When would they start in the morning?

Mr. PETERSEN. Seven o'clock in the morning.

Commissioner LENNON. And work till 11 o'clock at night?

Mr. PETERSEN. Work till 11 at night, providing we are very busy, that we load the work all night; I will hire an extra gang to do the all night work. They will work all night, from 6 o'clock in the evening till 7 o'clock in the morning, when the other gang will come down then, and then they go home for the day and come on at night again at 6 o'clock, either one or two or three gangs, according as I need them.

Commissioner LENNON. Is there as much canned work done now, as much work carrying, as there was 25 years ago, say?

Mr. PETERSEN. Yes, sir.

Commissioner LENNON. There is just about the same?

Mr. PETERSEN. Yes, sir.

Commissioner LENNON. Did not men in the old times carry a good deal of freight from the dock onto the vessel?

Mr. PETERSEN. Well, they do on certain vessels; they carry them.

Commissioner LENNON. They still do?

Mr. PETERSEN. Yes, sir.

Commissioner LENNON. On your dock what weights do men carry, sometimes?

Mr. PETERSEN. Well, 240 pounds is about the heaviest they carry.

Commissioner LENNON. Two hundred and forty pounds?

Mr. PETERSEN. Yes, sir.

Commissioner LENNON. In your experience do men break down rapidly under such weights as that?

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Mr. PETERSEN. No, sir; I can not say that they do, providing the man is good and strong and healthy.

Commissioner LENNON. Well, that means he has to be more than an average man; he has to be a strong man?

Mr. PETERSEN. A good strong man, of course.

Commissioner LENNON. The storing of freight in the vessel, that is what you call skilled work, isn't it?

Mr. PETERSEN. Skilled work; yes, sir.

Commissioner LENNON. It has to be stored so there will be no shifting when the vessel is at sea?

Mr. PETERSEN. That is right.

Commissioner LENNON. Do you believe it would be advantageous if legislation could be secured limiting the continuous hours that men might be allowed to work to, say, 10 or 12 out of any 24 hours?

Mr. PETERSEN. Well, it would be.

Commissioner LENNON. You think it would be for the benefit of the men?

Mr. PETERSEN. It would be.

Commissioner LENNON. That is all I care to ask.

Mr. BARNES. One more question that I would like to ask. How do you do about the inspection of your gear? Who looks after it?

Mr. PETERSEN. I generally do it myself.

Mr. BARNES. You generally do it yourself?

Mr. PETERSEN. Of course, we have two storekeepers; after the ship is finished all the gear goes through the storeroom, and everything is overhauled before it goes out to the next ship, and then I look after it myself to see that it is all in good condition.

Mr. BARNES. Don't you think it would be a good thing for all piers in this city to have a regular system of inspection by some authority?

Mr. PETERSEN. Yes, sir; it would.

Mr. BARNES. It would?

Mr. PETERSEN. Yes, sir.

Chairman WALSH. That is all, thank you, Mr. Petersen. Call your next.

Mr. BARNES. I want Mr. Joseph B. Franklin.

TESTIMONY OF MR. JOSEPH B. FRANKLIN.

Mr. BARNES. Mr. Franklin, how long have you been a longshore worker?

Mr. FRANKLIN. Twenty-eight years.

Mr. BARNES. Twenty-eight years?

Mr. FRANKLIN. Yes, sir.

Mr. BARNES. How long have you been an officer in the union?

Mr. FRANKLIN. Going on two years, about.

Mr. BARNES. What is your business now?

Mr. FRANKLIN. Organizer for the International Longshoremen's Association.

Mr. BARNES. I would like to ask you how many men you think there are doing longshore work?

Mr. FRANKLIN. In the neighborhood of between 45,000 and 50,000 men.

Mr. BARNES. Between 45,000 and 50,000?

Mr. FRANKLIN. Yes, sir.

Mr. BARNES. About what do you believe the men earn, as an average, the port over?

Mr. FRANKLIN. Between \$10 and \$12 per week.

Mr. BARNES. Between \$10 and \$12 per week?

Mr. FRANKLIN. Yes, sir.

Mr. BARNES. That means, figured, about how many days' work per week?

Mr. FRANKLIN. An average of three to four days.

Mr. BARNES. An average of three to four days?

Mr. FRANKLIN. Yes, sir.

Mr. BARNES. Excepting Hoboken, one pier now, as I understand it, the men are all hired from shapes; that is, they are picked out as individuals from a shape that forms in front of the pier?

Mr. FRANKLIN. On the trans-Atlantic lines they have what they call regular gangs; the gangs are called out by numerals—Nos. 1, 2, 3, 4, 5, and 6. Six gangs constitute their regular gang of them large liners.

Mr. BARNES. Then, after that, they pick out one by one?

Mr. FRANKLIN. Then they pick them out by extra gangs.

Mr. BARNES. They are picked out one by one?

Mr. FRANKLIN. Yes, sir; they pick them out individually.

Mr. BARNES. If a man in the hold gang No. 1 should be absent, they would pick a man from the crowd to take his place?

Mr. FRANKLIN. Yes, sir.

Mr. BARNES. They call that gang and count them as they pass in?

Mr. FRANKLIN. The general rule is, they first call in all the gangs. The stevedore then goes to the timekeeper and asks them how much is the shortage. He states, we will say, 5 men for the deck gang; we will say an average of 8 or 10 men for the hold; maybe 25 or 30 for the dock; and then they fill in their gangs. The men who has the biggest pull gets the regular gang.

Mr. BARNES. The man who has the biggest pull with the foreman gets the job?

Mr. FRANKLIN. Yes, sir; gets the job.

Mr. BARNES. Do you know about the accidents?

Mr. FRANKLIN. Well, I can give you a little bit about accidents. I have had several of them myself. There is one of them right there [indicating the finger tips cut off the right hand]. There is an accident which put me on the shelf for about four and a half months.

Chairman WALSH. What is that, the fingers of the right hand?

Mr. FRANKLIN. I had the hand mangled, but I only lost the tips.

Mr. BARNES. How did that happen?

Mr. FRANKLIN. I was working on the steamer called the *Victoria*, of the Leland Line, working in No. 2 hatch with an extra gang. One gang was working the Burton and oil; the extra gang was working the after winch, taking the canned goods in the deck. I was the hacker on the gang, as we call it, and I was delegated to put the light up so the men could see to do the work in the night. As I was putting this light up over the hatch I asked the man who was driving No. 2 regular winch not to start the winch until I had the light in place. I had the light in this hand and another light in the other hand, and as I was going across the hatch there was a guardrail on the after end of the hatch. I was pretty well inconvenienced, as I had both of my hands covered, and was holding on with my elbows, where if I slipped I would have fallen about 45 feet below in the hold. The boss comes along and lets a yell out, and the man started and the winch went ahead. He goes ahead before I get through and turns off my hand; in fact, the hand was smashed. My friend, Brother Fortune, reached out and grabbed me or maybe I might have went down in the hold.

Mr. BARNES. The foreman made a shout at the winch man?

Mr. FRANKLIN. Yes, sir. In plain words of speaking they have got them bulldozed to such an extent that all he has to do is to let out a yell, and sometimes they will pretty near jump overboard.

Mr. BARNES. Isn't it true that there have been several accidents occasioned on just that kind of a scare? I mean by that a rather timid man be rattled by being cussed, losing his head, and does something that causes the next man or himself to be hurt?

Mr. FRANKLIN. Yes, sir; we all can not be in a position of having a level head. I have seen, as I stated before, it looks pretty humorous to see me stating it, but I did see them jump overboard from being hollered at.

Mr. BARNES. Do you mean by that he grew excited?

Mr. FRANKLIN. Yes, sir; and jumped overboard because they yelled at him.

Mr. BARNES. Startled?

Mr. FRANKLIN. Through being startled; yes, sir.

Mr. BARNES. Tell us of another accident.

Mr. FRANKLIN. Well, I have seen, as our worthy friend this morning stated, on the Cunard Pier—he claims there was no accident happened there. No later than six or seven months ago there was a ship come into the Cunard Dock called the *Panamanian*, from the Mediterranean. In the square off the hatches the cargo is sometimes piled on a level with the combers; this man worked there on this *Panamanian*, and the large drumhead, you could take five trains on those, on what we call the five drumhead, you can take four if you know how to put it on. There was one man who thought he was experienced on the fly drum. He thought he was, but he wasn't as fly as he thought. The draft took hold of him and killed two men instantly and hurt two or three others.

Mr. BARNES. You mean he did not understand how to work this different kind of a drum. It was an unusual thing?

Mr. FRANKLIN. He thought he did, but the result showed he did not know.

Mr. BARNES. That was because he had a knowledge of another kind of drum end?

Mr. FRANKLIN. Exactly.

Mr. BARNES. Tell us one more.

Mr. FRANKLIN. I suppose if I was to recall all of the accidents I have seen in my experience, I could tell you them all afternoon.

Mr. BARNES. We just want to get an idea of the different kinds of accidents that happen. Have you ever seen men knocked down the hatchway?

Mr. FRANKLIN. Yes, sir; I have.

Mr. BARNES. What would cause them to be knocked down?

Mr. FRANKLIN. One man I am very well acquainted with was working down on the French pier, taking in cotton—a young man by the name of John Maher. The way the stuff was coming in there, it was coming in pretty rapid, and they were chasing him up pretty lively, and he was struck with a draft of cotton and down the hatchway he went.

Mr. BARNES. Here is the hatchway [indicating]?

Mr. FRANKLIN. Yes, sir.

Mr. BARNES. How high do they come?

Mr. FRANKLIN. Sometimes as high as 3 feet, sometimes no combers at all.

Mr. BARNES. No guard rails at all?

Mr. FRANKLIN. No, sir.

Mr. BARNES. And some are about 2 feet 8 inches?

Mr. FRANKLIN. Some what we call the flush hatch; no combers at all. Others have combers from 2 feet to 3 feet in height.

Mr. BARNES. Do you mean the draft swung against him?

Mr. FRANKLIN. Struck the guy rope and hit the man.

Mr. BARNES. Swung around and hit the man?

Mr. FRANKLIN. Yes, sir; and threw him down the hatch.

Mr. BARNES. How about diseases among the men; what diseases are there?

Mr. FRANKLIN. About the most prevalent diseases among the men is consumption, or tuberculosis. We call it consumption, plainly speaking, and that is contracted through, we will say, for instance, a man walking down in the hold of a ship doing heavy work. In that hatch there may be refrigerators. There might come some floats from off shore, or there may come some trucks on the dock which want some of the freight in them refrigerators. The men come from that hold while they are sweating and to the refrigerators where it is below zero. What naturally follows? If a man is anywhere lucky, he don't get pneumonia. If he is unlucky, he gets pneumonia, which goes into consumption.

Mr. BARNES. Does the work in the hold often get a man very warm?

Mr. FRANKLIN. It certainly does.

Mr. BARNES. Suppose the whistle blows for him to leave at the lunch hour; can he get cold in that time?

Mr. FRANKLIN. Yes, sir.

Mr. BARNES. Cold weather?

Mr. FRANKLIN. Yes, sir.

Mr. BARNES. Does that follow?

Mr. FRANKLIN. Exactly.

Mr. BARNES. As compensation from any of those injuries, do the men take up collections among themselves?

Mr. FRANKLIN. As far as I can see, you even got to be in right to get a collection if you are hurt, no matter who you are.

Mr. BARNES. Do you not have to ask permission?

Mr. FRANKLIN. You have to ask permission from the stevedore, where the accident has occurred, for the privilege of taking up this collection of your own money to give to your fellow-worker.

Mr. BARNES. That rule holds good every place? You have to ask for the privilege on all piers?

Mr. FRANKLIN. Yes, sir; all the same.

Mr. BARNES. You occasionally chip in in collections for hospitals, do you not?

Mr. FRANKLIN. Certainly; it naturally follows. They have to have collections, too.

Mr. BARNES. Do the steamship companies give money, too?

Mr. FRANKLIN. I couldn't say about the steamship companies giving anything.

Mr. BARNES. How about the number of men to do the work? You say there are 45,000 or 50,000 longshoremen in this port; about how many men could do the work in the port if they could work steady all the time?

Mr. FRANKLIN. How would you want that stated? In the hold?

Mr. BARNES. What I am trying to get at, I want to know about how many too many men there are?

Mr. FRANKLIN. Well, you have more on the demand than on the supply end.

Mr. BARNES. You always have. About how many men are turned away each shape?

Mr. FRANKLIN. Well, the principal piers, we will say; for instance, around between the Cunard and White Star—we will take the White Star as the star pier of the Chelsea section.

Mr. BARNES. Yes.

Mr. FRANKLIN. They are coming—for the coming in of a ship where there is supposed to be quite some freight in the ship, you will have on an average 1,500 to 2,000 men shape up for the ship. You can very easily follow when we will say there is 13 or 14 gangs going to be picked for that ship, and there is 6 men on the deck on the discharging, and 6 men on the hold, and 13 men on the dock.

Mr. BARNES. Well, what is the total?

Mr. FRANKLIN. Well, you take and we will say if there is 13 gangs, you take them as a whole and there will be 350 to 400 men employed, counting the extra men and all. Well, the consequences are there is—where is the other 1,500 going to go? They have got to go away again.

Mr. BARNES. Well, that will occur on most of the piers? I mean the larger piers?

Mr. FRANKLIN. Exactly.

Mr. BARNES. And I suppose that the smaller piers to a corresponding extent?

Mr. FRANKLIN. Well, the smaller piers, they know just about what the ship needs in regard to the men.

Mr. BARNES. In other words, you think this would be an exaggeration, to say that there are one-third more men than are really necessary?

Mr. FRANKLIN. No; I don't think that is no exaggeration at all; I think it is the truth.

Mr. BARNES. Well, do you think that it would be more than that? Give me your idea?

Mr. FRANKLIN. I would give it my idea as a little bit more.

Mr. BARNES. A little more than one-third?

Mr. FRANKLIN. I certainly do.

Mr. BARNES. That is all.

CHARLES WALSH. What compensation did you receive for your fingers?

Mr. FRANKLIN. Well, I got \$150.

Commissioner GARRETSON. How much time did you lose?

Mr. FRANKLIN. Four and one-half months. Blood poison set in.

Commissioner LENNON. What are the conditions about loading and unloading the tramp ships that come into the harbor?

Mr. FRANKLIN. That is mostly done by stevedores, and they work—well, of course, what we call the floating longshoremen that travel all over the port; just following up those tramps.

Commissioner LENNON. They take a job to unload the ships?

Mr. FRANKLIN. The stevedores; exactly.

Commissioner LENNON. And they work the men as cheaply as they can get them?

Mr. FRANKLIN. They certainly do.

Commissioner LENNON. And as many hours as possible?

Mr. FRANKLIN. In fact, they work them under the padrone system, so far as I can see. I see where there is the biggest part of the tramps are being done in Brooklyn, where I noticed myself the men paying part of their wages over to the men who employ them.

Commissioner LENNON. Has any complaint ever been made to the Federal Government regarding that matter?

Mr. FRANKLIN. Well, I think they did make complaint about the matter, and I have wanted to take affidavits and certify to the fact and they put their hands across their throat and told me no.

Commissioner O'CONNELL. Are you familiar with the ports in other cities besides here?

Mr. FRANKLIN. Well, I have been a seafaring man in my time, as I stated before.

Commissioner O'CONNELL. Do you know about the docks in New Orleans?

Mr. FRANKLIN. I have been in New Orleans on several occasions, yes; but I was there as a sailor.

Commissioner COMMONS. You don't know about the dock workmen?

Mr. FRANKLIN. No. I have seen them stow cotton in New Orleans. I never worked there myself.

Commissioner COMMONS. You could not compare conditions on the docks there with conditions here?

Mr. FRANKLIN. They are all union men down there.

Commissioner COMMONS. What about wages and hours?

Mr. FRANKLIN. The wages exceed what you get here.

Commissioner COMMONS. What?

Mr. FRANKLIN. The wages in New Orleans exceed the wages you receive here.

Commissioner COMMONS. By how much?

Mr. FRANKLIN. Well, they have different wages altogether. Regarding the cotton end of it, that is the principal part of the New Orleans longshore work.

Commissioner COMMONS. Well, labor is not the same kind of labor?

Mr. FRANKLIN. Well, they call them roustabouts down there, I believe, if I am not mistaken.

Commissioner COMMONS. And what would a roustabout be up here?

Mr. FRANKLIN. He is a shenango, we call him up here.

Commissioner COMMONS. He gets 33 cents here?

Mr. FRANKLIN. He gets what we call ready money; gets his money when he is through work.

Commissioner COMMONS. He gets 33 cents an hour?

Mr. FRANKLIN. That is what they are supposed to get.

Commissioner COMMONS. What do they get there? What does a roustabout get?

Mr. FRANKLIN. In New Orleans?

Commissioner COMMONS. Yes.

Mr. FRANKLIN. I have seen them get as high as 35 and 40 cents an hour when I was down there some years ago.

Commissioner COMMONS. Do they have any different arrangement as to length of time they work on a stretch?

Mr. FRANKLIN. They had no different time in the way they worked. The way they worked down there, so far as I could see, was mostly daywork.

Commissioner LENNON. What do the screw men get down at New Orleans?

Mr. FRANKLIN. At the present time I believe they receive \$6 per day. I believe they are allowed to make \$6 a day.

Commissioner LENNON. Do you know how many hours they have to work to make \$6, the screw men?

Mr. FRANKLIN. How many they will have to work?

Commissioner LENNON. Yes.

Mr. FRANKLIN. Well, they can not make any more than \$6 a day; then they have to knock off when they make \$6.

Commissioner LENNON. How many hours, though, do they have to work to make \$6?

Mr. FRANKLIN. About six or seven hours.

Commissioner LENNON. Are there any men here in that same class of work?

Mr. FRANKLIN. In the city of New York?

Commissioner LENNON. Yes.

Mr. FRANKLIN. No; I don't think so. They don't screw it here.

Commissioner COMMONS. Do you know the conditions in Philadelphia and Baltimore?

Mr. FRANKLIN. The conditions in Philadelphia and Baltimore greatly improved within the last year or so.

Commissioner COMMONS. How do they compare with conditions here?

Mr. FRANKLIN. Well, in the first place, they have not got the same kind of work in Philadelphia and Baltimore as here.

Commissioner COMMONS. Take wages, I mean?

Mr. FRANKLIN. In wages?

Commissioner COMMONS. Yes.

Mr. FRANKLIN. I don't believe they get over 30 cents per hour in Philadelphia and Baltimore, either, for longshore work.

Commissioner COMMONS. You are not certain of that? You simply guess?

Mr. FRANKLIN. Well, through the returns to the organization; we have locals in both Philadelphia and Baltimore.

Commissioner COMMONS. Do you consider that if wages were higher it would drive business to Philadelphia and Baltimore?

Mr. FRANKLIN. The wages are higher here.

Commissioner COMMONS. If they were a good deal higher here?

Mr. FRANKLIN. If they were. The only thing I can see, 3 cents an hour more for the work.

Commissioner COMMONS. Does the organization have any place where they require men to get a half day's pay or a day's pay or half day's pay if he is called out to work?

Mr. FRANKLIN. Why, yes; over on the other side, in England; in fact, I believe they order out gangs and they are supposed to pay them from coming out, if they come out.

Commissioner COMMONS. I mean of the I. L. A.?

Mr. FRANKLIN. No; I could not say.

Commissioner COMMONS. You have no agreement or no rule of that kind any place?

Mr. FRANKLIN. We have certain rules governing the work in different ports under the organization.

Commissioner COMMONS. You don't know of any?

Mr. FRANKLIN. I never heard of any of them telling of getting a half day's pay if they did not work.

Commissioner COMMONS. The I. L. A. has never tried enforcing that kind of an arrangement?

Mr. FRANKLIN. We have tried to secure a whole lot of stuff, but it has not come as yet.

Commissioner COMMONS. What is the limit of the number of hours that you permit men to work in other places that you consider well organized?

Mr. FRANKLIN. They are supposed to work—if they work all night they are supposed to stay in the next day. We will say they come to work at 7 o'clock in the morning and work until 7 o'clock the next morning, and then that man is not supposed to come out before the day following.

Commissioner COMMONS. That is, it is about 20 hours?

Mr. FRANKLIN. Twenty hours.

Commissioner COMMONS. That is the rule here?

Mr. FRANKLIN. That is generally the run of things here.

Commissioner COMMONS. Generally, does the I. L. A. accept 20 hours as a maximum workday?

Mr. FRANKLIN. The I. L. A. don't look that up at all. It is only just the way they work—the unionized men of the I. L. A. They haven't got nothing in the constitution.

Commissioner COMMONS. I am not referring, either, to the national constitution but to the different rules of the different ports.

Mr. FRANKLIN. Yes; the different ports.

Commissioner COMMONS. What are the hour limits at different ports? I understand it is 20 hours. What are the hours, about?

Mr. FRANKLIN. Can you designate any certain port?

Commissioner COMMONS. Philadelphia.

Mr. FRANKLIN. Philadelphia. Well, as I understand, they are only lately organized in Philadelphia, so they haven't started any working laws there yet.

Commissioner COMMONS. Baltimore.

Mr. FRANKLIN. Under the same heading.

Commissioner COMMONS. Boston.

Mr. FRANKLIN. Boston has got a very good set of working laws.

Commissioner COMMONS. Well, how?

Mr. FRANKLIN. They work 10 hours, and they work a shift at night. If they have got work, they work at night work.

Commissioner COMMONS. Another shift?

Mr. FRANKLIN. Yes.

Commissioner COMMONS. So they don't allow them to work more than 10 hours?

Mr. FRANKLIN. Not more than 10 hours; not supposed to work more than 10 hours.

Commissioner COMMONS. What is the scale of pay?

Mr. FRANKLIN. They have a sliding scale, according to what freight you handle.

Commissioner COMMONS. What is the minimum?

Mr. FRANKLIN. Thirty-three cents, I believe, or thirty-five.

Commissioner COMMONS. The same as it is here?

Mr. FRANKLIN. Pretty near the same thing.

Commissioner GARRETSON. You referred to the New Orleans men as being described as roustabouts. Isn't the roustabout of New Orleans confined wholly to river service?

Mr. FRANKLIN. That is what I mean.

Commissioner GARRETSON. The usual steamboat on the lower river—that is, from St. Louis to New Orleans—carries a certain number of roustabouts and gets its added service on the shore?

Mr. FRANKLIN. Exactly.

Commissioner GARRETSON. And the ocean-going work is done by regular long-shoremen?

Mr. FRANKLIN. By regular longshoremen. But I was speaking of the cotton boats.

Commissioner GARRETSON. The river work is wholly cotton?

Mr. FRANKLIN. Yes; cotton business; cotton carriers.

Commissioner GARRETSON. That is all.

Chairman WALSH. That is all, Mr. Franklin. You will be excused.

TESTIMONY OF MR. FREDERICK WILLIAM HERSEY—Recalled.

Chairman WALSH. I would like to ask you a few other question, Mr. Hersey, please. Are you acquainted with the conditions of employing men at the East River, Hoboken and Brooklyn piers?

Mr. HERSEY. Not the East River or Hoboken.

Chairman WALSH. What is that?

Mr. HERSEY. Not at the East River or Hoboken.

Chairman WALSH. Brooklyn?

Mr. HERSEY. Brooklyn, generally.

Chairman WALSH. Are they or are they not employed in the same way that they are at Pier 60?

Mr. HERSEY. I do not know how they employ them at Pier 60.

Chairman WALSH. Are you familiar with the conditions at Pier 60?

Mr. HERSEY. I am not.

Chairman WALSH. You came from Brooklyn, did you?

Mr. HERSEY. Yes.

Chairman WALSH. You were in attendance here this morning, were you?

Mr. HERSEY. I was here. I arrived about half past 10, I should say.

Chairman WALSH. Now, you heard the conditions as to the other piers, 60, and at Hoboken. How did those compare with the conditions at your pier?

Mr. HERSEY. I did not hear the Hoboken testimony.

Chairman WALSH. What testimony did you hear?

Mr. HERSEY. I heard the testimony of Mr. Fortune; I think was the first one I heard, and the lady before.

Chairman WALSH. How do the conditions at your pier compare with the conditions at his?

Mr. HERSEY. At Pier 60?

Chairman WALSH. Yes.

Mr. HERSEY. Why, our conditions are different, naturally, through the difference in traffic that we handle.

Chairman WALSH. In what respect?

Mr. HERSEY. Well, theirs are regular passenger-line steamers, sailing and arriving nearly on schedule, and ours are freight boats entirely.

Chairman WALSH. To what extent would you say the bad conditions that have been spoken of here are due to the line owners and to what extent to the community and to what extent the city and the Government and the State are to blame?

Mr. HERSEY. I would consider first from a personal point of view, that it is the responsibility of the State and the city and Federal entirely. The civil responsibility first.

Chairman WALSH. And what next? The civic responsibility first, and then what?

Mr. HERSEY. Then the State.

Chairman WALSH. Yes.

Mr. HERSEY. And then lastly the Federal.

Chairman WALSH. Yes; well, do you consider any of the responsibility whatever to be on the line owners?

Mr. HERSEY. Why, their responsibility must naturally follow the responsibility of the others, inasmuch as it is a mutual arrangement.

Chairman WALSH. Do you consider that part of the State and city and Nation?

Mr. HERSEY. Part of our business life.

Chairman WALSH. You do not consider that they have any responsibilities as line owners alone?

Mr. HERSEY. Not as line owners. It is for the general welfare.

Chairman WALSH. And you do not think, then, that any of the responsibility for bad conditions is on the line owners any more than it is on the balance of the community?

Mr. HERSEY. The balance of the community. I think it is a general condition, because—I simply take it as a work, as a general social condition.

Chairman WALSH. Please explain your reasoning for your view in that respect.

Mr. HERSEY. In just what line?

Chairman WALSH. Well, just give us concisely your reasons for saying there is no responsibility on the individual owners.

Mr. HERSEY. Well, from a philosophic or theoretical point of view it is this, that a man has got to work, and I believe there is equity in it for each side; that is, there is an equity in it for the laboring man, as there is also an equity in it for a man spending the money. The uses and abuses of these things is a different proposition. I am speaking from a point of equity, therefore I might say that if nature in its kindness gave us a good harbor it is the fault of the civic and State and Federal Government at large if they have not made use of what nature has given them. Therefore if we have not developed our harbor and developed our dock facilities, and if we have not created a foundation for good work, why then, we are at fault.

Chairman WALSH. Would you be kind enough, Mr. Hersey, now, from your experience in the harbor of New York, to detail for the record here what you consider to be the bad conditions that are preventable or that might be remedied?

Mr. HERSEY. That would have to be a statement that would take more time than I have to sit here, to formulate the question so that it would be at all tangible.

Chairman WALSH. Please tell me what scope you think generally my question takes in. There are certain bad conditions detailed here by all of the witnesses that might be called bad conditions; that is, that the men have no facilities for taking care of their clothing; that they are compelled to perform casual labor, not knowing when they are going to be employed, what time they are going to be laid off, and there are no provisions for rest rooms or facilities for taking care of themselves properly. These things you have heard testified to, and the excessively long hours, the carrying of what, by some people, might be deemed excessive loads for continuous hours, and the readiness with which they can purchase poor liquor and are furnished with poor food. I think six or eight would cover the whole business. That is what I had reference to. Now, what was it you thought was within the scope of my question that would take any longer time than this afternoon?

Mr. HERSEY. I was looking at it from one point of view, and you from another. I was looking at it from a fundamental point of view, and you from a superficial point of view.

Chairman WALSH. Well, looking at it from a superficial point of view, please state the things you have discovered that you would call bad conditions in this industry that are either preventable or could be remedied.

Mr. HERSEY. Looking at it from a superficial standpoint, there isn't—I think there has been very little facts produced. I think there has been very little testimony or evidence but what could be more or less remedied. That is like the arrangement for—water arrangements.

Chairman WALSH. How could that be remedied?

Mr. HERSEY. By placing the matter before the people in charge.

Chairman WALSH. Who ought to do it? What people?

Mr. HERSEY. Naturally it would come from some—I think we have a welfare worker in our district. She has done a great deal in that line, just about the matter of water.

Looking at it from the supervision standpoint, there is nothing—I think there has been very little, speaking without prejudice, I think there has been very little testimony in evidence but what can be more or less easily remedied.

Chairman WALSH. How could that be remedied?

Mr. HERSEY. That could be remedied by placing the matter before the people in charge.

Chairman WALSH. Well, who ought to do it—what people?

Mr. HERSEY. It would naturally come from—I think we have a welfare worker in our district. Now, she has done a great deal in that line. Just about the time—

Chairman WALSH. Now, to get to the question of water, in a hygienic way, do you think that is a matter to be referred to a social visitor?

Mr. HERSEY. Not necessarily.

Chairman WALSH. Now, how would you go about the concrete proposition of remedying that, primarily?

Mr. HERSEY. That comes up to the individual.

Chairman WALSH. What individual?

Mr. HERSEY. Whoever is in charge of the different piers.

Chairman WALSH. The different piers?

Mr. HERSEY. Yes, sir.

Chairman WALSH. Now, how would you provide for taking care of the clothing of the men?

Mr. HERSEY. Why, that would be a matter for the State to consider how would be the better way—whether through the checking system—

Chairman WALSH (interrupting). Could you provide them with lockers?

Mr. HERSEY. Yes, sir; but you would have to take so much into consideration, —

Chairman WALSH. You mean too much room required?

Mr. HERSEY. That is one thing; but even in putting our own clothing away in the places that we can put it, there is a danger of theft; and there is more or less danger which we incur of loss in the case of longshoremen.

Chairman WALSH. Is it impossible to provide any—

Mr. HERSEY (interrupting). Not impossible.

Chairman WALSH (interrupting). Could you suggest a way now as to how facilities should be provided to take care of the clothing of the men?

Mr. HERSEY. Why that would be simply a matter of discussion among those that are interested to provide the best way.

Chairman WALSH. Does it appear to you, from the testimony, that there are any steps that could be taken to limit the liability to personal injury of the men?

Mr. HERSEY. Why, I have not gleaned anything from the testimony that would lead me—

Chairman WALSH (interrupting). Could a system of inspection be adopted, either city inspection, or could a system of inspection be adopted by the steamship companies, that would reduce the liability?

Mr. HERSEY. Why, I imagine that could be adopted. I think it would be the natural culmination of the employers' liability act that such inspection will be enforced.

Chairman WALSH. You think if the burden of taking care of these men is placed directly on the industry, that perhaps they will keep the oil off the decks and not have the men move so fast, and so on?

Mr. HERSEY. It has been my experience that under conditions of that kind that sand has been put around on the decks for just that purpose.

Chairman WALSH. So if this testimony is correct that has gone in here, that could be prevented by having somebody whose business it was to distribute sand, so that they could not slip?

Mr. HERSEY. Yes, sir; the responsibility in this case is actually the responsibility of the steamer. The steamer is individually responsible. The responsibility lies with the ship.

Chairman WALSH. Yes; so that you think it could be prevented by those in charge of the ship taking ordinary preventive measures?

Mr. HERSEY. I do.

Chairman WALSH. Now, outside of the question of anything but the added cost, there should be no difficulty about making the employment less casual, should there?

Mr. HERSEY. There are probably lots of ways it might be made less casual.

Chairman WALSH. And the only factor that enters into it is the factor of added cost in loading and unloading ships?

Mr. HERSEY. That is a factor, and then in the particular line of business I am engaged in the other fact is how the tonnage offers.

Chairman WALSH. When it comes in, you mean?

Mr. HERSEY. Yes, sir.

Chairman WALSH. The times and pier?

Mr. HERSEY. Yes.

Chairman WALSH. Tell us now, with respect to the establishment of places of rest, if some means were adopted by which the work could be made less casual—in other words, the men could be hired by the day, of course—the great necessity of these rest houses would disappear.

Mr. HERSEY. Disappear.

Chairman WALSH. Now, if that was not done, how do you say the situation should be remedied with reference to providing places for these men to repair to between times?

Mr. HERSEY. I should say that would come from a getting together, as you might call it, of the different interests.

Chairman WALSH. What interests?

Mr. HERSEY. Well, the steamship interests, perhaps, or the stevedore interests, or the wharf owners' interests.

Chairman WALSH. Now, coming to the question of responsibility—all these matters that we have spoken of as being bad conditions, these local conditions as they have been attempted briefly to be detailed here—how much responsibility for those conditions do you think rests upon the men, upon the longshoremen themselves?

Mr. HERSEY. Well, there is a personal responsibility rests on every man, and the responsibility for his moral and his civic duty and his duties to his family, that rests on every man; and, of course, the longshoreman is no exception. I believe in betterment, that the longshoremen should contribute in some way for his own benefit. I believe he should commence his house cleaning at home.

Chairman WALSH. Do you think from your experience, Mr. Hersey, that these men could or could not improve their conditions? Whether or not they could best improve these conditions with or without organization?

Mr. HERSEY. I think they could improve them better with organization.

Chairman WALSH. What are the conditions relatively at other ports which might be said to be competitors with the port of New York?

Mr. HERSEY. Well, I know very little, only in a casual way, about other ports.

Chairman WALSH. We do not care for it to be first-handed information; but if you have made a study of it from statistics or news items in the papers bearing upon these subjects, or from talks with the officers of ship companies, or with the men, or in any way you might have information, that would be what we want to get.

Mr. HERSEY. That would be affected highly by the magnitude of the business done, and the demand for labor.

Chairman WALSH. Of course, it is greater here than anywhere else.

Mr. HERSEY. Greater here, and also depends on what became eventually of the cargoes, the ships bringing them, and where the cargoes originate.

Chairman WALSH. Well, do you know enough about it to give us an opinion on this proposition? For instance, if employment was regularized so that these men could depend on a specific wage sufficient to keep a family in decent comfort by working hours that were not fatiguing beyond a reasonable point, under conditions with respect to rest rooms, toilet facilities, and everything else, is there anything in the competitive conditions compared with other ports that might divert progress or take away business from the port of New York?

Mr. HERSEY. Not from that reason. The thing that would divert a cargo from the port of New York is dollars and cents, probably, is the primary thing that would divert it.

Chairman WALSH. Well, what I want to get at, would the added cost of that, if that is the way you put it, would the added cost of creating such conditions in the port of New York make against the increase business or take away from the business of the port of New York and divert it to other places?

Mr. HERSEY. Well, that is an economic question.

Chairman WALSH. Well, you can answer it or given an opinion upon it. It would be merely an opinion.

Mr. HERSEY. My opinion would be that the first thing for consideration would be, in the comparison of the ports, the class and quantity of its traffic or cargoes; and then, of course, there is the difference in the labor in price and perhaps you might say quantity. That is, what a gang of men is capable of doing at this port and what the same sized gang would be capable of doing or do do in the

other port. Those things, of course, all tend to resolve themselves into the actual expenditure of money or the time saved or the time lost in the dispatch of the business.

Chairman WALSH. Well, can you answer it or give an opinion upon it? It for instance, what causes shipments to be made to Philadelphia rather than to New York outside of the mere geographical question?

Mr. HERSEY. Why, naturally, the goods destined for any inland point are sent to the nearest port to that point, and I presume that the Philadelphia traffic—that is, the cargo that originates and is shipped to or from Philadelphia—is shipped to or from there because of the ease with which it can be handled from that port or the haul that is caused or made possible from there.

Chairman WALSH. Suppose conditions could be so standardized that a longshoreman in the city of New York could steadily earn a wage of \$15 per week. Would that make such a difference in the whole question of ocean traffic as to place New York at a disadvantage with any competitive port?

Mr. HERSEY. No; if the conditions were such that we could employ longshoremen at a weekly stipulated wage, bearing in mind that if we pay him \$15 per week that he has done work for that amount of pay, why, if we could pay each of them \$15 per week, we would have the greatest port in the world. It would be the greatest port in the world if conditions were such that we could do that. But, unfortunately, in the cargo-carrying trade there is no definite arrival and departure in the bulk of what we might term the tramp steamship trade to all parts of the world. A steamer makes a trip to China and Japan in about five months and comes back full or half full or empty, as the cargo offers, or may not come back at all. It is an irregular traffic and therefore it is irregular work.

Chairman WALSH. What part does the stevedore cut in this entire question of conditions for longshoremen, both as to wages and surroundings and hours of labor, and all that?

Mr. HERSEY. Well, the stevedore is the contractor of the owner for discharging his steamers. He may be mentioned in the charter party, which charter party is written in London, Liverpool, or Hamburg, as the case may be, or he may be retained through other different agencies. The principal freight traffic in the port of New York, irrespective of the testimony that has been given on passenger lines, is done through agencies, what we would term owners' representatives in New York, Boston, or Baltimore; and the direct representative of the owner in this port or any port other than the home port is the captain of the ship. Therefore the stevedore of a tramp steamer is directly accountable to the captain of the ship.

Chairman WALSH. Mr. Garretson would like to ask you some questions.

Commissioner GARRETSON. Isn't the real factor in the determination of the routing of goods the total cost of transportation from the point of origin to the point of distribution, as, for instance, from Birmingham to Pittsburgh?

Mr. HERSEY. Unquestionably—that is—

Commissioner GARRETSON (interrupting). And the ports costs at any one given point is only one of the minor factors of that total cost, and the transportation rate is really the dominating factor, as a rule?

Mr. HERSEY. Well, of course, the transportation rates—the rates clearly makes the big difference.

Commissioner GARRETSON. It is a difference of transit cost and not transfer cost, which is a port cost?

Mr. HERSEY. Well, port costs do, of course, regulate more or less, but it is in a minor degree—

Commissioner GARRETSON. It is a minor factor?

Mr. HERSEY. Minor factor, I presume. Of course, I am not in a position to answer that.

Commissioner GARRETSON. Then, on that basis, even if the costs of longshoremen in New York were materially higher than they were in Boston, Philadelphia, or New Orleans that would not be a factor in the routing of freight unless the amount was great enough to make the total cost via New York greater than via New Orleans?

Mr. HERSEY. Possibly, then, it would be a factor in the case.

Commissioner GARRETSON. Because the consignee or consignor would largely determine the routing then.

Mr. HERSEY. Yes; most assuredly.

Commissioner GARRETSON. Because the local interests could not do it?

Mr. HERSEY. Could not do it.

Commissioner GARRETSON. You made one statement a moment ago, if I understood you, that I just want to see if you are willing to stand for the logical consequences of what you stated. In response to the question as to where responsibility in certain directions lay, you placed the responsibility, first, civically; second, State; third, Federal or international; and then followed it up with the statement that the employer carried no direct responsibility except as a member of the public. Did I misunderstand you?

Mr. HERSEY. No, sir.

Commissioner GARRETSON. You stated that you were speaking from the equitable and philosophical view. Speaking purely from the ethical basis, has an employer a right to follow practices that cripple men and makes a man mere flotsam and jetsam; and then, after squeezing the juice out of a man by 10 years' service that ought to be distributed over 40 years' earning period, then throw him off to the public to be supported after the corporation or employer has skimmed the cream out of him? Would you hold that?

Mr. HERSEY. Well, I think that you have brought me into a position that I think I would rather not answer—not try to answer—not that I fear to answer the question, but I did not come for an argument of that kind.

Commissioner GARRETSON. It is not argument; it is a question of your position.

Mr. HERSEY. It is a question of my personal position?

Commissioner GARRETSON. Personally, do you believe that?

Mr. HERSEY. Personally, I believe, as I stated, that there is a certain equity for all—longshoremen included—personally. And the employer has his responsibilities, in his way; the longshoremen and the State and the city and the Government have theirs. Now, there is no question, then, about an equity for us all and the responsibility. That is, if we, as laborers, do our bit we get our return for it, not only our return in the money paid but get a return in the liberty we enjoy through the community at large—the State.

Commissioner GARRETSON. Do you believe, then, that, as a matter of inequity, the employer has the right to use his employee in a manner that makes the public at large support him after a certain period as a physical wreck?

Mr. HERSEY. Why, I would not attempt to answer that.

Commissioner GARRETSON. You mean to say that you possibly think he has such a right?

Mr. HERSEY. I would not say that, even.

Commissioner GARRETSON. Then you will not stand for the practical application of the answer that you made a little while before?

Mr. HERSEY. I would not at this time.

Commissioner GARRETSON. You are wise. That is all, Mr. Chairman.

Chairman WALSH. Mr. Delano would like to ask you a question or two, Mr. Hersey.

Commissioner DELANO. Mr. Hersey, is New York a free port?

Mr. HERSEY. Free port?

Commissioner DELANO. What they call a free port?

Mr. HERSEY. No, sir.

Commissioner DELANO. How are the charges here, tonnage and dock charges, and that sort of thing, compared with other of the larger American ports?

Mr. HERSEY. Why, I think, comparing New York charges with Boston and Philadelphia, as I understand it, the wharfage property in those cities is controlled by the railways, and the railways own the wharfage, so far as the ladings are concerned, whereas in New York the piers are leased from the city on the North River, the greater number of them, at leasehold prices, and those piers are used by the lines for their own steamers, whereas the tramp steamer pays, on an average, \$75 a day for every day the ship is alongside or the cargo on the pier. In Boston I think there is no charge. It is railroad property and they dock the ship and provide wharfage facilities for the benefit of the cargoes that they receive.

Commissioner DELANO. How does the expense compare with getting or transferring the freight from the vessel to the railway or from the railway to the vessel, comparing New York with other ports—Boston, Philadelphia, Baltimore, and so on?

Mr. HERSEY. I am not in a position to give that information.

Commissioner DELANO. Is it more or is it less?

Mr. HERSEY. I should judge transferring from the piers to the cars here is done through the different terminals at stipulated rates, which can be verified;

and I imagine the same arrangement is done with the railroads on their own piers in Boston.

CHAIRMAN WALSH. That is all; thank you, Mr. Hersey.

Call your next witness, Mr. Barnes.

MR. BARNES. Miss Louise Peters.

TESTIMONY OF MISS LOUISE EDGAR PETERS.

MR. BARNES. Am I right in believing that you have made some study of the longshoremen's situation in Liverpool?

MISS PETERS. Yes.

MR. BARNES. At first hand?

MISS PETERS. Somewhat.

MR. BARNES. At first hand, as well as from some study of the documents relating to it?

MISS PETERS. Yes, sir.

MR. BARNES. Were you here just when Mr. Carroll was on the stand?

MISS PETERS. Yes, sir.

MR. BARNES. Mr. Carroll's statements, so far as you are aware, were correct as to the hours, etc.?

MISS PETERS. There was one point that I thought Mr. Carroll did not make clear, and that is in regard to the telephones in clearing houses, and other minor points; but otherwise his statement was correct.

MR. BARNES. Otherwise his statements were correct, so far as you learned?

MISS PETERS. Yes.

MR. BARNES. Miss Peters, I do not care to have you, then, go into the detail of Mr. Carroll's testimony, because we have that already; but I would like you to tell us, as briefly as possible, something about the attitude of the port authorities in Liverpool as to this longshore work.

MISS PETERS. May I relate it to the ticket system of London, or do you wish me to cut out that?

MR. BARNES. Do you mean about how they attempted to eliminate—

MISS PETERS. The two hang together, in a way.

MR. BARNES. Well, just give us an idea of their ticket system. The only thing is, our time is short and we have to be brief.

MISS PETERS. The two great experiments in decasualization that have been made in England has been founded upon the pooling of labor over a large area and the mobilization of labor in that area. They are essentially alike in fundamental principles; they are different in some of the details. In London the experiment was carried on by private monopoly which controlled a large enough labor supply to make the experiment on a large scale and finance it. They had two classes of permanent laborers and two classes of casuals. One of those was a class of preference men. Their system was divided into departments and controls—rather, controls, and then departments under the controls—and notification was sent the day before of the probable amount of labor that would be required in each department; that the men were chosen in the order of their classes, first, from the permanent men, when they were not wanted in their own particular departments, must be taken in the other departments; and the selected workers—preference men must be chosen from throughout the system before any ordinary casuals could be taken on. That made a system of preference men running up from ordinary casuals to permanent men or weekly wage. That system was built up through 20 years' experience.

In Liverpool the experiment known as the clearing-house scheme was started in 1912, under the auspices of Parliament, through the labor exchanges, was financed by the board of trade, and financially supported by the shipowners and by the labor unions. There was no party opposing; that is, no group of opposition. There were individuals. There was a strike at the beginning of the experiment, but the men struck contrary to the orders of their union. Certain shipowners have not backed it up, but they are in the minority.

This clearing-house scheme is founded upon the system of pooling labor over a large area—practically the entire part of Liverpool—with a central clearing house and six minor clearing houses, and each clearing house is supposed to be filled with the registration of men; that is, all the men at the beginning of this system registered who had ever worked at the docks. They registered in two classes; the more regular men registered as company's men and had the privilege of being hired first by the firms for which they had ordinarily hung out and with whom they were before registered.

The clearing-house men were more of the sort of ordinary casuals, but they were attached to one clearing-house area, and they could work outside of that clearing-house area, but in their registration and under the system they were attached to one clearing house. Each clearing house has its own committee, formed of the employers and the men and the manager, who acts as secretary, but has no vote. There is a joint committee of the men and the employers which acts as a final referee in all matters of dispute. One of the great features of the clearing-house scheme is the surplus stand. The men are supposed to apply to their ordinary stand as they used to do for luring, but in each clearing-house area there are two or three surplus stands for the men to go to who are not hired; in other words, the men who are turned off. Those surplus stands are connected by telephone with the clearing houses of the area, which clearing houses, in turn, are connected with the central clearing house. The firms are practically all connected with the clearing-house area by telephone. Consequently, when a shortage of labor at one point arises at the docks there can be gotten almost immediately the required men from the surplus which may exist and undoubtedly will exist at one or two other points in the dock system. That shortage on the surplus on the 18th of January, 1912, reached such figures that the surplus was over 3,500, and the shortage was over 1,000 at the same time in the same port.

The system by which the clearing-house scheme is operated was of such benefit to the men that the men say they would strike to get it back if it was taken away, because instead of a man being obliged to go all over the port to receive his pay and waste half a day he is paid at one point. He can be paid by the clearing-house board of trade, or he can be paid by private firms, which may or may not have a window in that clearing house; but in either case he gets his pay at one particular place and one particular locality, and he has to go but a few steps at the most to receive his entire pay for the week.

The system of clearing-house wages is quite elaborate. I think there won't be time to go into it.

Chairman WALSH. Have you that any place in writing which you could turn over to the commission?

Miss PETERS. It has all been reported by Mr. Williams, who was the divisional officer who made a study of the scheme, and has been published by him in several pamphlets, which gave out the plan of the scheme, and he has written a book which has given the experience of the first year's working of the scheme.

Chairman WALSH. What is the title of the book?

Miss PETERS. It is *First Year's Working of the Liverpool Scheme*. I have it right here.

Commissioner HARRIMAN. There it is [calling the attention of the chairman to a book upon the table].

Miss PETERS. The point is, in both these experiments, especially in London, at the London & India Dock there, they have found that the decasualization of labor has been not only of great advantage to the employer, but a far-sighted policy. In the Liverpool scheme it is almost too soon to judge, and they have had certain difficulties in the carrying out of the scheme. The men have not always been consistent in their attitude, and there have been one or two difficulties which have made it almost too soon to pass judgment, but it is significant that Mr. Williams, in his report of the first year's working, goes a step further than he did in his original document and in the original plan of the scheme as it was first carried out, and he recommends a permanent labor system, such as they have in London under the port authorities and have had for a great many years.

There are quite a good many other items, but I think you are pressed for time and can get it out of the report. For instance, the clearing houses themselves have certain other duties.

Chairman WALSH. All that is included in this book?

Miss PETERS. The whole thing is practically included in that report.

Commissioner HARRIMAN. Would you recommend this same system for this country?

Miss PETERS. It seems to me that whatever differences there are between the port of New York, for instance, and the port of Liverpool would make it not any harder for the thing to be done in New York than in Liverpool. They have overcome more difficulties, it seems to me, than we would have to overcome here, although our difficulties might be different. For instance, their national insurance act has complicated the matter extraordinarily; their

closed-dock system is difficult, and we have no larger area, I think, here—I mean the distance between our different shipping centers are almost parallel with the distances between London Center and Tilbury Dock, and the Tilbury Docks are under the system of the port of London authorities. And the same way with Liverpool docks; there is Birkenhead, which is quite far removed from the center, and which offers difficulties in transportation.

Commissioner HARRIMAN. Where are the general conditions better, on the docks at Liverpool or London?

Miss PETERS. I can not say.

Commissioner HARRIMAN. Very much the same system pertaining to both?

Miss PETERS. It is different in London. The port of London there controls only about 34 per cent of the labor of the port. There is a great lot of shipping done in the river from the wharves; and in Liverpool the clearing-house system controls practically the whole port. Liverpool is entirely a union port, and London is very loosely organized. I should say that I suppose the conditions in London are worse there—the casual labor conditions—as to casual labor. Their idea in the beginning was to reduce the reserve at the cost, at first, of the casual, who would be squeezed out; and they thought it would be cheaper for the State and better for everybody concerned that the casual should be squeezed, and that a fewer number of men should get work more regularly, even if the casual were made a particular problem. That—they did not mean to throw him out entirely, but they meant to throw him out of the dock system and regularize that employment, and make the casual who was squeezed out a separate problem, either for temporary support by the State or educate him in some other line of work.

In other words, they felt that the surplus was demoralizing the dock-labor situation, and creating a large body of unemployables, who were simply a burden on the rate payers, as almshouse paupers and criminals. That is a perfectly well-established fact.

TESTIMONY OF MR. WALTER B. HOLT.

Mr. BARNES. The position you occupy is what Mr. Holt?

Mr. HOLT. Organizer of the International Longshoremen's Association.

Mr. BARNES. Mr. Holt, you have attended most of the sessions here, have you, in the two days?

Mr. HOLT. Yes, sir.

Mr. BARNES. We have gone over and corroborated a large part of the ground, but there are one or two things that I would like to ask you particularly, although we will have to be a little brief.

You are an organizer and, I understand, in that capacity you work somewhat as a walking delegate; that is, you hear the complaints of the men at the different piers. Are there many causes of complaint in those piers in this port? I mean of all sorts of complaints?

Mr. HOLT. There certainly is.

Mr. BARNES. Give the larger one?

Mr. HOLT. Well, I have in my time had complaints where men had to pay for their positions to the foremen.

Mr. BARNES. Do you mean they had to pay some foreman to get a position?

Mr. HOLT. Men had to pay \$10 or \$20 to secure employment.

Mr. BARNES. Was that on the check system or simply took them out of a shape?

Mr. HOLT. Simply took them out of a shape.

Mr. BARNES. That meant if he paid \$10 or \$20 he was to be taken on every time he came up?

Mr. HOLT. Yes, sir.

Mr. BARNES. What else?

Mr. HOLT. I have had occasion where men were paid as short as \$1.987 on four weeks on 433 men.

Mr. BARNES. How did they shorten it; just a little on each man?

Mr. HOLT. Yes, sir.

Mr. BARNES. Knocked out a few hours?

Mr. HOLT. Yes, sir. They have a system of paying the men to keep them satisfied. They will pay half of the men 3 or 4 cents more than is actually coming, while they will pay others 75 or 80 cents short. The men who have received more will not go with the men who have received less on their complaints. I have copies of firms' pay rolls which were furnished to me by foremen, to that effect, in their own handwriting.

Mr. BARNES. Go ahead with something else.

Commissioner O'CONNELL. Who does that? Is that the stevedore?

Mr. HOLT. That is Edwin Rice, on the Berwin Coal Co., in Jersey City. I have affidavits to that effect, where he has taken \$20 off of men, but I have never been able to get to Mr. Berwin, due to the fact that his own secretary and all the superintendents and all own a few votes in their concern, and therefore will not permit that story to get to Mr. Berwin. I have gone to the labor departments in New York and New Jersey, and they are unable to touch it, claiming there is not loss sufficient for them to go ahead. I have gone to the pastor of the church of which Mr. Berwin is the treasurer, and he tells me Mr. Berwin is a rich man, he has left his business out in the department, and as long as he receives a certain profit on the money invested he does not interfere with the running of the department.

Commissioner O'CONNELL. The preacher does?

Mr. HOLT. The pastor of the church told me that.

Chairman WALSH. What church; who was it?

Mr. HOLT. The Church of Ascension; the Rev. Stickney Percy Grant.

Commissioner O'CONNELL. Who did not interfere?

Mr. HOLT. He said Mr. Berwin did not interfere with any of the departments as long as he received a certain profit on it.

Commissioner HARRIMAN. He is only a member; it is E. J. and John E. E. J. is the junior member.

Mr. HOLT. I do not believe Mr. Berwin is aware of the facts. It is the superintendents, and so forth, he has got working for him, and he does not interfere with the business. We have never been able to get a conference with Mr. Berwin.

Mr. BARNES. Mr. Holt, where do you find the most trouble, with the stevedores, the contracting stevedores, or with the companies that do their own work?

Mr. HOLT. Mostly with the contracting stevedores.

Mr. BARNES. Name the large contracting stevedores, two or three of the largest in this port?

Mr. HOLT. Morgan & Sons; Monahan & Mills. ---

Mr. BARNES. Smith?

Mr. HOLT. Smith & Bray; Grady & George.

Mr. BARNES. Is there an association of stevedores in the port?

Mr. HOLT. Not that I know of; not as an organization.

Mr. BARNES. Not as an organization?

Mr. HOLT. No, sir.

Mr. BARNES. Now, I would like for you to give me your idea, going through this for a number of years. Which do you consider, if you have to have them, the check system or the shape as being the best?

Mr. HOLT. I consider the shape is the best for the men, due to the fact that the stevedore employs practical longshoremen, which will prevent accidents to the ship. On the other hand, we know where the check system is in vogue, and welfare workers have gone to the superintendent of piers and secured positions for men—convicts—the uplift people—and helped their families, but they were not practical workers, and when they went on the job they crippled the longshoremen from being able to go to work.

Mr. BARNES. I am afraid you have some objection to uplift work.

Mr. HOLT. I have got it here, if you want it.

Mr. BARNES. Tell me something about where you know of men being discharged—at least, not taken on—because of some complaints they have made against activities in unions?

Mr. HOLT. I know of one specific case that I can quote, and also give you a copy of the agreement, if the commission wants it, where the Manhattan Lighterage Co. issued an order to all their men that if they wanted to stay in the employ of the company they would have to sign an agreement not to belong to any organization affiliated with the American Federation of Labor nor any other labor union without first getting the consent of the employer.

Mr. BARNES. Tell me a little bit about accidents.

Mr. HOLT. They are very numerous.

Mr. BARNES. As we are soon going to have a new workmen's compensation law in this State you need not take up the question of pay, but tell me how accidents occur.

Mr. HOLT. In all ways. I have been the victim of one myself.

Mr. BARNES. Tell that.

Mr. HOLT. I was working on a ship that was a little behind time—the ship was not behind time, but they wanted to have the ship all discharged by 6 o'clock Saturday night, so that they could report to the office that the ship was ready for loading Monday morning. The hatch I was working in was a little behind in the work, and they shifted three gangs into the one hatch. The gang I was in happened to have to go in the middle of the other two. I was loading up a bag of potatoes on another man's shoulder and another bag came along and knocked me over and shifted all my brains and laid me up for two weeks—shifted them into the right place. I never went back.

Mr. BARNES. As I understand it, then, that accident was a good thing for you?

Mr. HOLT. Yes, sir.

Mr. BARNES. It prevented you from working at that place any more?

Mr. HOLT. Yes.

Mr. BARNES. Now, I would like for you to give me your idea of some of the ways in which the longshoreman's condition could be bettered. You are a union man, and we will have to consider that you had control—a 100 per cent organization. Now, that being granted, tell me some of the ways in which it could be bettered.

Mr. HOLT. Well, one of the ways it could be bettered, if the labor departments—the State labor departments—was given more power to compel the organization as well as the employers to meet and confer on different grievances. Another remedy would be if immigration to a certain extent could be looked into more carefully.

Mr. BARNES. How about the inspection of the working gear?

Mr. HOLT. A very good thing.

Mr. BARNES. You hear of all the different accidents that occur?

Mr. HOLT. Yes; nearly.

Mr. BARNES. They are nearly all brought to you; I mean, that amount to anything?

Mr. HOLT. Yes, sir.

Mr. BARNES. You never hear of the dozen little bruised fingers, and things of that kind, and bruised toes?

Mr. HOLT. We hear so many that we don't pay any attention to them any more.

Mr. BARNES. You hear of the important accidents. Tell me, so far as you can now bring to your mind, the number or the percentage of those accidents that occur through some break in the machinery. In other words, something that might have been prevented by an inspection of the different gears. What do you think; can you make an estimate?

Mr. HOLT. Well, that is very hard. It is very hard to find out the actual cause of an accident, because the man who is at fault is always under the cover to cover it up and the company is always under cover to cover it up; and there is a lot of men will not say anything, even though they know about it, for fear of being dismissed for knowing too much about it.

Mr. BARNES. In other words, there is undoubtedly a system along the water front of everybody minimizing accidents?

Mr. HOLT. Yes, sir.

Mr. BARNES. The men themselves as well as the employers?

Mr. HOLT. Yes.

Mr. BARNES. The employers do it for obvious reasons and the men do it because they are afraid to talk too much; is that right? If a man talks too much what is the result?

Mr. HOLT. He takes the gate for it.

Mr. BARNES. That is all.

Commissioner O'CONNELL. You know something about these coal barges and conditions on those boats?

Mr. HOLT. Yes, sir.

Commissioner O'CONNELL. You made some investigation of them?

Mr. HOLT. I know that one of the biggest detriments to the coal-barge man is the fact that the women and children are permitted to be on the boats. There are cases where cocaine is carried on these boats from one State to another. There are cases where those boats go to eastern ports where the mills are, where the captain will get acquainted with some girl working in the mills and bring them down on the boat, and after he gets tired of her he turns her over to some other captain or some friend of his in the city here, and he will go back and bring another down. That is the condition with the boat. There are between three and four thousand children on all the boats; not the coal boats alone,

but taking the barges, lighters, and everything into consideration. They are getting no education whatever. There are several concerns that will not hire a man unless he has a woman and children on the boat.

Commissioner O'CONNELL. Illegitimate children on the boat?

Mr. HOLT. Yes, sir; there are.

Commissioner O'CONNELL. Have you made any investigation, or has your organization?

Mr. HOLT. We have referred the matter to several people, who went out and worked on the situation, and it seems that everybody that goes out on the situation, in some mysterious way they are stopped at working on it. There is—the boat owners' organization has incorporated here not long ago, and it seemed in some mysterious way they have got a way of preventing everything that goes on pertaining to them becoming known. I want to say that the tide-water boatmen's organization went on record Sunday afternoon that if this commission could do anything toward preventing any women or children on the boats they would be very thankful for it; very thankful to have it exist. Furthermore, they have a boat, which they own, which they will put at the disposal of the commission or any investigators this commission may desire to send out to investigate the conditions.

Furthermore, there are several cases at the present time in this last two weeks that have been taken up. If the commission wants it later, I can give them to Mr. Barnes, records of cases now pending in court; cases of white slavery; cases where children have been made drudges out of; and numerous other cases we have got records of that we will turn over to the committee if they want them.

I referred the matter to the New Jersey State Labor Department and told them there were about 4,000 on the boats, and they sent an investigator out and he came back and said there were only 19 on all boats. We can show him one boat with 12 children on alone.

Commissioner O'CONNELL. Have you or the organization or any one you know of any suggestive plan for remedying this condition?

Mr. HOLT. Yes; we have. We have lots of data on it which we would be glad to furnish.

Commissioner O'CONNELL. Will you see this commission is furnished with that data which you have covering these various cases that you have mentioned?

Mr. HOLT. Yes, sir; I have it right here, if you want it.

Commissioner O'CONNELL. Just leave it with Mr. Barnes.

Mr. HOLT. Here it is.

(At this point the witness submitted several letters and newspaper clippings. The letters are printed as "Holt Exhibit." The newspaper clippings are as follows: "Fifteen hundred strike to give children an education," New York Evening Journal, January 2, 1914; "Captains of barges striking to keep wives and children ashore," Newark Evening News, February 25, 1914; "Boat owners incorporate," New York World, March 16, 1914; "Boatmen held on abduction charge," Observer, May 23, 1914; "A drudge, she says, on father's barge," New York World, June 7, 1914.)

Commissioner COMMONS. What are the hours that you have in your agreement?

Mr. HOLT. In what agreement do you mean?

Commissioner COMMONS. The Hoboken agreement; yes.

Mr. HOLT. There is no agreement for the longshoremen. There is an agreement for the boatmen.

Commissioner COMMONS. Well, I mean for the longshoremen.

Mr. HOLT. There is no agreement whatever—only a verbal agreement. The last time we made the request for an increase in wages, instead of the company meeting any of the officials or the men at the appointed time that the limit was supposed to be up, every company at 4 o'clock in the afternoon, which was the limit, put a sign out on the door that on and after such a date wages would be such and such; and there isn't any agreement whatever between the companies in this port.

Commissioner COMMONS. There was nothing said whatever about the hours of work?

Mr. HOLT. No, sir.

Commissioner COMMONS. Have you any rule of the local?

Mr. HOLT. No, sir; it is a case that when the ship is in the men have got to work if they want to make a living at it. Sometimes a ship will be in for

three days, and she is gone, and you won't have another ship for four or five days or a week or ten days, and consequently you have to work night and day when the ship is there if you want to make a living.

Commissioner COMMONS. Has the matter ever been taken up?

Mr. HOLT. No, sir.

Commissioner COMMONS. In the meeting?

Mr. HOLT. No, sir.

Commissioner COMMONS. Have you in your demands on the employers included any proposition for a certain number of hours' pay if the man is called out?

Mr. HOLT. No, sir.

Commissioner COMMONS. Have you ever considered that?

Mr. HOLT. No, sir.

Commissioner COMMONS. Do you think that would be feasible, practicable, for an organization to take up?

Mr. HOLT. If it would work out it would be.

Commissioner COMMONS. I did not ask you that.

Mr. HOLT. I say if it could be worked out it would be.

Commissioner COMMONS. I ask you if it would work out?

Mr. HOLT. I could not say that.

Commissioner COMMONS. You have an acquaintance with the conditions in other ports as well as with the Hoboken work?

Mr. HOLT. New York, Brooklyn, Hoboken, Boston ports, and Philadelphia and Baltimore, of the work of the organization.

Commissioner COMMONS. Well, is labor paid more in Philadelphia than it is in Hoboken?

Mr. HOLT. No, sir.

Commissioner COMMONS. Less?

Mr. HOLT. Less. They were only paid 25 cents an hour until about eight or nine months ago, possibly a year ago, and they were then raised to 30 cents an hour.

Commissioner COMMONS. How about Boston?

Mr. HOLT. Boston has got a signed agreement; an absolute closed shop with our organization.

Commissioner COMMONS. What are ---

Mr. HOLT. (interrupting) They have rules and regulations there that a certain amount of cargo shall be put into a certain kind of a sling, and no more. They have certain rules and regulations in regard to permitting the men to go home and get supper, and so forth, when working overtime. Also they have it in their agreement there that if a man is ordered out at 7 o'clock at night he must get paid for at least half a night's work, unless he is finishing up a ship which is going to sail.

Commissioner COMMONS. Is there any limit on the amount of time?

Mr. HOLT. No, sir; there is no limit on time that I know of.

Commissioner COMMONS. It is impracticable to put a limit on the amount of time they work, is that right?

Mr. HOLT. The only port I know they have a limit on is Galveston, Tex. The only one I know personally, and that is through talking to representatives there. They stow cotton at 12½ cents a bale, and you must stay in the hatch at least eight hours, and you dare not earn over \$6 a day, and if you do, they fine you a whole day's pay for doing it.

Commissioner COMMONS. Is there a very large proportion of your membership that don't get steady work?

Mr. HOLT. There is quite a number of them.

Commissioner COMMONS. What do the wages per week range from?

Mr. HOLT. I should average about, taking them all in all, possibly about \$10 a week.

Commissioner COMMONS. I am not speaking about the average. I am speaking about the lowest and highest.

Mr. HOLT. Some men maybe earn \$1.50, and others will earn \$30 or \$35. It is according to the conditions in the port.

Commissioner COMMONS. Have you any way of equalizing the work around amongst your members?

Mr. HOLT. No, sir; we have not. The stevedore hires the men he thinks the best men fitted to do the work.

Commissioner COMMONS. You let the stevedore handle it?

Mr. HOLT. Yes, sir.

Commissioner COMMONS. You don't try to see every man has a fair return?

Mr. HOLT. All we try to see is that he hires all union men.

Commissioner COMMONS. He might give all the work to the same man?

Mr. HOLT. He might give it all to the one man if he wants to.

Commissioner COMMONS. And still you, as a union, permit that because you allow a man to work 40 hours, isn't that so?

Mr. HOLT. It is to the option of the man himself. As a general rule men will not come back after 20 hours. Any man that has worked 20 hours knows he has got enough, and will go home and stay there. Occasionally we have had cases where the companies have refused to pay men that had put so many hours in. We had a case here not long ago, on the Hamburg-American Line, where a man had \$53, and something, coming for a week's pay, and the company absolutely refused to pay it. He had put in every hour there was in the week.

Commissioner LEXNOR. How many hours did he put in, if you know?

Mr. HOLT. I don't know. He must have been sleeping in the ship, in the smokestack.

Commissioner O'CONNELL. Did the company pay him finally?

Mr. HOLT. They called him in the office, and, I believe, gave him \$35 and refused to pay him the rest, because the man could not have worked. The clock was punched on every shape, night, days, and Sundays. The clock was always punched, and they refused to pay the man.

Commissioner COMMONS. Has this matter ever been taken up in the union as to whether—

Mr. HOLT (interrupting). The only place I know it has been taken up is amongst the men on the North German Lloyd. They have passed a law in their organization that any man working over 20 hours, that he should be brought up on charges if he is in the organization.

Commissioner COMMONS. Do you consider that there are too many men? How many men are there in the Hoboken local?

Mr. HOLT. There are four locals in Hoboken.

Commissioner COMMONS. I understand that you have everything organized on the Hoboken Dock?

Mr. HOLT. Yes, sir.

Commissioner COMMONS. How many men altogether on the Hoboken Dock?

Mr. HOLT. There are four locals there, averaging about 800 members to the local.

Commissioner COMMONS. About 3,000 members altogether?

Mr. HOLT. Yes, sir; about 3,000 members.

Commissioner COMMONS. Do you consider that there are too many men on the docks? Are 3,000 men too many to do the work?

Mr. HOLT. At times there are and at other times there are not enough men. The trouble is that these contracting stevedores bring in men from Brooklyn and other parts there.

Commissioner COMMONS. Well, they can not put them in if they are not members of the union?

Mr. HOLT. The contractors will try. We have all kinds of rumpuses over that with contracting stevedores.

Commissioner COMMONS. Then, there are nonunion men working?

Mr. HOLT. They bring nonunion men over from Brooklyn over there.

Commissioner COMMONS. Do you permit them to work?

Mr. HOLT. We do not if we can prevent it.

Commissioner COMMONS. Well, if you haven't got enough men—if there are not enough union men—I suppose you permit them to put on nonunion men?

Mr. HOLT. Not if we can help it.

Commissioner COMMONS. Even though you can not furnish enough union men?

Mr. HOLT. There is always enough men could be got, union men, if they would hire them, but the trouble is these contracting stevedores have a class of men working for them that they can pay short. They don't pay them short. The way it is, they take them to a saloon Saturday night and play cards with them, and only play one hand. He loses \$2, and says I won't play any more. They simply play cards and only play one hand. The boss wins ever hand, and the other fellow throws his hand down.

Commissioner O'CONNELL. Does the boss keep playing with everybody?

Mr. HOLT. He keeps playing with them all.

Commissioner HARRIMAN. You said the employers would not hire men unless women and children were on the boats, too. What is the reason for that? Do you think they keep their ships better?

Mr. Holt. Well, the employer figures that his property is better protected. If a captain should go off and get drunk and stay away from the boat a day or two the women folks are there to take care of it. They have several methods of that kind in their head as the reason for having the women and children aboard the boat.

Chairman WALSH. That is all. Call your next witness.

TESTIMONY OF MR. CHARLES B. BARNES.

Mr. BARNES. Mr. Chairman, I would like to have you ask any questions that are not clear.

Chairman WALSH. Don't you think you better start out by making your own statement in reference to these points. I have some questions suggested here such as, briefly, what are the conditions on other piers than 60. Most of the testimony is on Pier 60. That is East River, Hoboken and Brooklyn. What are the conditions on other piers than Pier 60—that is, on the East River, Hoboken and Brooklyn?

Mr. BARNES. Well, the conditions on the other piers in the port, for instance, the Chelsea Piers, the conditions are much the same as 60, 60 being one of the Chelsea Piers. The Cunard Piers are about the same, except that they work the men a little easier. On the American Pier they have mostly—there are not many white men on the American Pier. They employ mostly foreign labor. But on all the others the conditions are about the same, except that Pier 60 stands out because they keep the men employed a little more regularly, and that is all. They have more work for the men. So far as Hoboken is concerned, the North German Lloyd—that is, or the Bremen Line and the Hamburg Line—the conditions are not much different from 60, except they do not work them so hard. While 60 is a place to make a big week, it is regarded by the men as the hardest pier to work on—that is, they keep them harder at work. Over at Hoboken they are a little slower. The German element predominates, and they do not work them so hard.

When you come down to the Bush Dock, that large system down there, there is where your tramp steamers and your freight vessels and other irregular work is carried on, and there are very few white men working—that is, comparatively. Probably two-thirds of the men down there are Italians, and, of course, conditions are a little worse. On the coastwise piers the conditions are much worse than on any of the foreign piers.

Chairman WALSH. Is there any Government inspection of those boats that are spoken of—that is, barges and other boats?

Mr. BARNES. None that I know of.

Chairman WALSH. To what extent are the bad conditions that we have heard of here, would you say due to the line owners or to the men themselves or to the community, the State, the city, or Government, the State, and the Nation?

Mr. BARNES. Well, I would say dealing with the matter has led me to believe that it is largely line owners—that is, they stand at the head. Most of these lines are owned abroad. They only have their representatives here. And it is just the same as when I went to the museum of safety to ask about why the steamship companies did not contribute to the upkeep of that, and Dr. Tollman said they are all foreign companies, and we never have thought about asking them. So it is the steamship companies first and then the community, and then the longshoremen.

If the longshoremen of this port had had, to be plain about it, had had sense enough to get together, they could have had the situation in their own hands. They are a bright lot of people. The only thing has been that they have been in two opposing organizations, the old L. U. P. A. since 1897 and the I. L. A. now, and they, if one organization proposed one thing the other opposed it. At least, they did not oppose it, but rather scoffed at it and did not help. And it has only been in the last year they have even gotten together on a wage scale.

Chairman WALSH. Are there any appliances on exhibition at the museum of safety that you noticed that could be added to the equipment here, that would prevent accidents?

Mr. BARNES. Only two things. For instance, they have thin sheets, what they call alundum, which is practically—you can not slip on it—and those thin sheets would be fine to go on the winches that have been spoken of here,

and they have another thing, a hook, that has a quick-acting device for closing down, so that the draft can not bounce out of it. For instance, after a draft comes up, and the winch comes up, the winchman lets it drop onto the hook. The winchman lets it drop onto the rail, either the hatch combings or the rail of the vessel; it might lift the rope up in the hook so it will come up over the point of it, and drafts have fallen that way. But in this safety device there is a little clamp comes down and engages it, very simply, and very quick acting, that could be used and is used on some of the piers here. Some of the piers—well, for instance, Pier 60—has that, I know. And those two things I know of that they have up there.

Chairman WALSH. As to other devices, such as for protection in any way—

Mr. BARNES (interrupting). For instance, they have a save-all; that is, a net, or something of that kind, stretched from the ship to the pier, to prevent packages as they are passed over—as they are passed over after they have been lashed across the vessel—to prevent them from falling into the water. If a draft should fall out, it would fall into this net, and save all. That is for merchandise. That was patented, and has been in use. Now patented, but been in use for many years. But there is no comb to prevent men falling down the hatch, and, as the witness has stated, many hatch openings are flush, and they should be never less than 3 feet of combings or rail, so if a man happens to be struck by a swinging draft he will not be toppled down, as many have. Men I have known, men I have become acquainted with, have later fallen down the hatchway 40 or 60 feet, or, if you please, 25 or 55 feet, and have been crushed.

Chairman WALSH. What are the conditions at other ports competing with New York, if you know?

Mr. BARNES. So far as Boston is concerned, I do believe that the working arrangements there are a little better, so far as inspection and accidents. I don't know. They work a little slower in Boston than in New York. None of the piers quite as hard. Even the White Star Pier there, the White Star Pier does not push the men quite as fast as in this port. Why, I could not give you the reason for that. But they do have a little different arrangement about paying. They pay by the kind of freight handled. There have been changes since I have been to Boston, and I do not know the lowest rate.

Chairman WALSH. Briefly, tell us the part that the stevedore system plays in the whole system?

Mr. BARNES. Well, take, for instance, the Bremen Line, and the Hamburg Line, and the Rotterdam Line, and the White Star Line, the American Line, in fact, every Chelsea pier but one. They do their own work. The company hires a head stevedore, and he looks out for all the work that is carried on through those companies. The Atlantic Transport Line, the work is given over to T. Hogan & Son. T. Hogan & Son are the largest stevedores in this port, and, probably, in the world. Down on the Bush a few of the lines do their own work, but most of them are given over to the stevedores. The same obtains in several of the smaller places. For instance, the Bristol Line, and the Anchor Line, the work is given out to a stevedore.

Chairman WALSH. How do they compare, those who do the work through stevedores and others?

Mr. BARNES. The stevedore always works his men harder than the company, as a rule; at least, the men tell me that. I asked them why, and they say it is because the stevedore has to work them harder to get more profit out of it. There are one or two Italian stevedores that have the reputation of working men very hard, and also have the reputation of stealing a little off the men. That is, they will cut them an hour or two hours, just enough so that it can be a matter of argument, and the man is afraid to lose his chance of work there, and he will let it go. Many stevedores, on 150 to 300 men, will make quite a little sum in that way.

Commissioner GARRISON. Just petty larceny?

Mr. BARNES. Yes. And I want to state about the danger of the work here, that in this country, in the manuals issued by the employers' liability companies up until 1911—of course, the employers' liability companies have not settled on standard rates in any particular case. I mean, they are varying all the time. At one time, two years before 1911, I think in 1909, stevedore was \$3.60 on \$5,000 of pay roll, while coal miners was \$2. That in 1911 coal mining and stevedore work—that is, longshore work—was rated just the same. In other words, the liability companies had found they would have to pay

just as much out for the longshoreman as for the coal miners. In this country as well, under life insurance, longshoremen are put in the same class as house-wreckers, understand, the men who tear down old buildings.

Commissioner GARRETSON. Is that life or accident insurance?

Mr. BARNES. Straight life insurance. They do give on a \$1,000 policy the same rate is charged a longshoreman as would be charged a house-wrecker.

Commissioner O'CONNELL. That is, it is hazardous?

Mr. BARNES. It is in the column hazardous, and the only extra hazardous work that I noticed on the book was the Life-Saving Service.

Commissioner GARRETSON. Did you note how they are rated in the accident companies, like the Travelers?

Mr. BARNES. Yes; but I have not that here with me. They run along, I think, with—I will tell you in a minute. They run along with, it is either railroad engineers—I think, with railroad engineers.

Commissioner GARRETSON. Then it is extra hazardous?

Mr. BARNES. Well, just whatever it is.

Commissioner GARRETSON. Because the engineers is extra hazardous, while certain other pursuits, like the switchmen, are barred, or they are super.

Mr. BARNES. Well, I don't bind myself to that, but as near as I recollect—the other is clear in my mind, but I vaguely remember that it must be railroad engineers.

Commissioner GARRETSON. That is extra hazardous, isn't it?

Commissioner DELANO. I don't know.

Commissioner GARRETSON. We are hazardous, and the engineers and the brakemen are both extra hazardous, and the switchmen are barred.

Mr. BARNES. In England the employers' liability rates class longshore as the second highest occupation in point of danger in the whole country. It is placed second. In Sweden the employers' liability companies place it at the head of the whole list. They have linemen, I think, next, men handling electrical devices, but longshore work is placed the highest. Under the workmen's compensation act in England, the one passed seven years ago, the statistics for, I think it was about the third year after it had been in force, showed that the fatalities among dock workers was double that of the workers in the mines, or in the quarries, or on any construction work or on railway work. Not train movements, but on railway work, also construction work, mines and quarries. They show that that work was double. Well, then, in 1906, I think it was, in 1906 they brought the water-front work under the factories work and the workshop act in England. That left between the census of 1900 and the census of 1904, that left four years for this law to be in operation. Yet the statistics give it in 1900 and 1910, the accidents had decreased among dockers 44 per cent, and there is no other thing you could attribute it to except the fact that they commenced to have inspection.

Commissioner GARRETSON. Growing out of the compensation act?

Mr. BARNES. Due to the bringing of it under the factories and workshop act.

Commissioner GARRETSON. To the compensation also?

Mr. BARNES. Oh, yes; the compensation at the same time. The four years show 44 per cent. Prior to that, I think that there were three other trades classed higher than dock work. Yes; dock work passed from third to eighth place in four years of factory inspection.

Commissioner GARRETSON. Showing it was largely controllable?

Mr. BARNES. Controllable. The comparative mortality figures in Great Britain, however, as last issued in their blue book, have not got these comparable conditions I just mentioned. They show the dock workers, the mortality is three times more than that of all materials. In other words, there a dock worker stood three chances of being killed than for an ordinary citizen. They compared it with all materials.

Commissioner GARRETSON. In your opinion, Mr. Barnes, as the outgrowth of your investigation, do you believe that ocean-going and coastwise transportation by water should be placed under the same regulations as interstate commerce, and the same system of reports exacted off of them that would furnish data upon which a conclusion could be reasonably founded?

Mr. BARNES. I think so; and not that, I think we have not had that largely, because we had vaguely the idea that it passed from under our control at some time for the reason we did not think we had any right to say anything.

Commissioner GARRETSON. Because of the maritime limits?

Mr. BARNES. Yes.

Commissioner GARRETTSON. Kept them away most of the time?

Mr. BARNES. Yes; kept them away.

I just want to make one other statement about this disease. The English mortality figures show that the dock workers were particularly susceptible to tuberculosis, pneumonia, and bronchitis, and the comparative figures of those three diseases show that twice as many deaths occurred among dock workers from those three diseases than among coal miners, quarriers, or bricklayers. These are English figures, not gotten up by them themselves, but had to be taken from the mass of stuff they publish. I mean, they never attempted to make these comparisons themselves.

Chairman WALSH. Who did not?

Mr. BARNES. I mean, the English blue-book reports. They simply give them as part of the other statistics. Now, one other thing, and I will finish.

I want to call attention to the fact that was brought out here, I believe, by Mr. Walsh's question, as to why the longshoremen did not establish shelters for themselves, they being so desirable. If the longshoremen were a 100 per cent organization in this port, they could easily provide their own shelters, because then they could assess each member all over the port. But that is not possible, because the longshoremen are about 25 per cent, or even less, organized. You would have to have a certain group that would say, down in front of the Cunard Pier, "We will have a shelter." Well, that group to-day is not the same group to-morrow, or the next day. They are shifting about. They are migratory and wandering about, so unless you had an entire organization throughout the whole port it would not be possible to provide for the upkeep, or even for the initial expense, of any shelter among the longshoremen themselves. That is all I have to say.

Chairman WALSH. The commission will now stand adjourned until to-morrow morning at 10 o'clock, to meet in the upper council chamber.

(Whereupon, at 1:30 p. m., the commissioner adjourned to reconvene to-morrow, Wednesday, June 10, 1914, at 10 o'clock a. m.)

EXHIBITS.

GRAHAM EXHIBIT.

DEPARTMENT OF DOCKS AND FERRIES,
New York, November 29, 1911.

MISS GRAHAM,
*General Secretary Church Temperance Society,
281 Fourth Avenue, Manhattan.*

DEAR MADAM: This department is contemplating the erection of a shelter house for longshoremen on the marginal way in front of the Chelsea section on the North River.

Before proceeding with this work we are desirous of obtaining the benefit of the views and experience of those fully cognizant with conditions along the water front bearing on this plan. The Rev. Archibald R. Mansfield has suggested yourself as one thoroughly familiar with these conditions.

Therefore I would like very much to have an interview with you in the matter, and if convenient will you call me up on the telephone, 300 Rector, some morning between 9 and 10 o'clock and make an appointment at our mutual convenience.

With appreciation of any assistance you may render, I am,

Very truly, yours,

W. J. BARNEY,
Second Deputy Commissioner.

[Communication sent to the dock commissioner after interview with Mr. W. J. Barney, deputy commissioner. --H. K. Graham.]

DECEMBER 1, 1911.

DEAR SIR: In reply to your communication of November 28 I beg to submit the following terms on which this society would be willing to assume the management of the proposed shelter for longshoremen which is to be established by the city on the water front between West Sixteenth and Seventeenth Streets:

First. The society to engage and have sole control over the men employed in the shelter.

Second. No financial responsibility to be assumed by this society.

Third. Provided an appropriation of not less than \$1,700 is placed in the hands of this society to cover the estimated cost of the working expenses of the shelter during the first year.

Fourth. The equipment to be supplied by the city before the society takes charge.

Fifth. That the shelter is to be for the use of all longshoremen without regard to party, color, or creed. (Union or nonunion men.)

The following budget is respectfully submitted:

<i>Budget.</i>	
Wages of two men.....	8624
	520

	\$1,144
Gas for cooking (12 months).....	75
Gas for 3 heaters (6 months).....	125

	200
Maintenance of equipment of restaurant, janitors' supplies, and towel-service	156

	1,500
Contingent fund	200

	1,700

The estimated cost of gas for heating is subject to revision, as the society is not informed as to the size or probable daily consumption of gas by each heater. The society undertakes to furnish coffee and sandwiches of the best quality at the following prices: Coffee, 3 cents per cup; sandwiches, 5 cents each. If 100 men each bought a cup of coffee and a sandwich daily, this would give a net profit of \$2 a day, or \$624 a year, to be applied to the reduction of the budget. As most of the men live in the neighborhood, probably many who use the shelter will not patronize the restaurant, so that the number of patrons is problematical at the present time.

We would suggest that it would have been a more economical arrangement to have had a lunch counter along the wall in the space set aside for tables. It would be more convenient, facilitate service, and save expense. There is really no need for a kitchen, when only coffee and sandwiches are to be served. Our experience is that men prefer to sit at the counter instead of at tables.

If the society should assume charge of this work, it would render a detailed statement of its expenditures and of the receipts of the restaurant at stated periods to be fixed by the dock department. At the end of the first year the representatives of the society would be glad to have a conference with the dock department on any points that might have developed in the working expenses of the shelter. This society would gladly undertake charge of the shelter, if requested by the dock department, because it is in line with the work at the Longshoremen's Rest, No. 164 Eleventh Avenue, which was established a year ago and is now in successful operation. Its object, of course, is the welfare of the longshoremen, and to reduce the temptation to which they are exposed by providing some place of resort other than the saloon.

In order to place before you the terms on which the society would undertake this work, I have not waited to lay the matter before our board of managers. On receipt of further details from the dock department, and should they desire me to do so, I will lay the matter before a special meeting of the board, so that there may be no further delay.

Very truly, yours,

H. K. GRAHAM,
General Secretary.

WILLIAM J. BARNY, ESQ.,
*Second Deputy Commissioner,
Department of Docks and Ferries, New York City.*

DEPARTMENT OF DOCKS AND FERRIES,
New York, December 15, 1911.

MISS H. K. GRAHAM,
*General Secretary, Church Temperance Society,
Church Missions House, Fourth Avenue and Twenty-second Street,
New York City.*

DEAR MADAM: Noting your letter of the 1st instant, in which you submitted terms upon which the Church Temperance Society would be willing to assume management of shelter house for longshoremen between West Sixteenth and West Seventeenth Streets, North River, I beg to advise that the matter has been submitted to the board of estimate and apportionment for consideration.

Yours, very truly,

MATTHEW J. HARRINGTON, *Secretary.*

BOARD OF ESTIMATE AND APPORTIONMENT,
City of New York, December 26, 1911.

MISS H. K. GRAHAM,
*General Secretary Church Temperance Society,
Fourth Avenue and Twenty-second Street, Manhattan.*

DEAR MADAM: At a meeting of the board of estimate and apportionment, held December 21, 1911, your communication (transmitted in a communication from the commissioner of docks and ferries) offering to operate a shelter for longshoremen on the marginal street area between West Sixteenth and West Seventeenth Streets, North River, Manhattan, upon certain conditions, was presented and referred to the comptroller for consideration and report.

Very respectfully,

LUCIEN LEE CANNON,
Assistant Secretary.

DEPARTMENT OF DOCKS AND FERRIES,
New York, April 17, 1912.

MISS H. K. GRAHAM,
General Secretary Church Temperance Society,
Fourth Avenue and Twenty-second Street, Manhattan.

DEAR MADAM: In response to your query as to whether the commissioner would erect shelter house if funds for its maintenance were provided privately, I have to advise you, after a brief discussion with the commissioner, that he would be willing to give the matter favorable consideration. Without outlining in detail the contract, its main points would be the nonpartisan management of this shelter house; that the same would be open to all kinds and classes of longshoremen who conducted themselves properly; that food sold therein would be at the most reasonable price consistent with good business management; that the enterprise would not be made one of speculation or profit; and that no intoxicating liquors would be sold therein. The form of contract would be most simple and I think would offer little difficulties to anyone inclined to furnish money for this semiphanthropic purpose.

If you desire, I should be glad to drop into your office and discuss the matter with you or with a representative of yours at my office.

Yours, very truly,

W. J. BARNEY,
Second Deputy Commissioner.

DEPARTMENT OF FINANCE,
City of New York, May 7, 1912.

THE RE. REV. FREDERICK COURTNEY, D. D.,
President Church Temperance Society,
Fourth Avenue and Twenty-second Street, New York City.

REVEREND SIR: I am in receipt of your communication of April 24, 1912, relative to an appropriation for the maintenance of a longshoremen's shelter. In reference thereto, I enclose herewith a copy of my report on the matter to the board of estimate and apportionment. The report was approved by the board on March 14, 1912.

Respectfully,

WM. A. PRENDERGAST, Comptroller.

[Copy of inclosure]

MARCH 8, 1912

TO THE BOARD OF ESTIMATE AND APPORTIONMENT.

GENTLEMEN: On December 13, 1911, the commissioner of docks transmitted a copy of a communication from Miss H. K. Graham, general secretary of the Church Temperance Society, detailing an offer of the society to operate a shelter for longshoremen on the marginal street between West Sixteenth and Seventeenth Streets, North River, borough of Manhattan.

An appropriation of not less than \$1,700 is asked for to be "placed in the hands of this society to cover the estimated cost of the working expenses of the shelter during the first year." The \$1,700 is to provide for maintenance, contingencies, and the wages of two men; the society to engage and have sole control over the men employed in the shelter. It is also stipulated that no financial responsibility is to be assumed by the society. This stipulation would make the city responsible for any expenditures by the society in excess of the appropriation, and would release the society from responsibility attending any misapplication of funds.

I recommend, therefore, that no action be taken on the matter.

Respectfully,

-----, Comptroller.

DEPARTMENT OF FINANCE,
City of New York, May 17, 1912.

MISS H. K. GRAHAM,
General Secretary, Church Temperance Society,
Church Missions House, Fourth Avenue and Twenty-second Street,
New York City.

DEAR MADAM: Your letter of the 16th instant has been received. I will be very glad to see you if you will call on Monday, the 20th instant, at 11 o'clock.

Very truly, yours,

WM. A. PRENDERGAST, *Comptroller*.

NOTE: Had interview with the comptroller, who explained that the city could not legally make such a contract. When asked whether the board of estimate had considered that it would be necessary to maintain the shelter when erected, the comptroller said that it had not been considered. It had been inferred that the funds would be provided if the city provided the shelter. The usual course would now be to rescind the appropriation.

H. K. GRAHAM.

HOLT EXHIBIT.

[Statements filed by Mr. Holt as a supplement to his statements before the commission in connection with the longshore hearing.]

WASHINGTON, D. C., January 27, 1911.

WALTER HOLT, Esq.,
113 Perry Street, New York.

DEAR SIR: Perhaps I should, at the outset, apologize for thus intruding on you and yet I am hopeful that you will not regard my coming as an intrusion when I make known my mission.

I learned, on what I regard as fairly reliable authority, that you, on behalf of your organization, are now conducting negotiations with the Berwind White Coal Co. looking to the adjustment of a scale of wages on their pier in Jersey City. Without knowing you personally, I am sure that it is your chief aim to serve the best interests of your constituents, and feel that you should know what my experience has been with the Berwind White Co.

When I was general master workman of the Knights of Labor I had a number of conferences with the representatives of that concern and they invariably resulted satisfactorily to the workmen. They leave nothing to chance in the way of arriving at an exact estimate of the value of labor done, and that once ascertained they not only pay the full price but have always done a little better. I do not know the full merits of the present controversy, but I am sure if you accept the offer of the company you'll find the men doing better than before.

Personally I have no concern in this matter; I am not and never have been interested in the affairs of the company, financially or otherwise, and my only purpose now is to apprise you of facts that may benefit you and keep the men at work.

Keep the men at work, put your trust in such reasonable offer as the company may make, and I am confident you'll serve the best interests of the men.

Sincerely, yours,

T. V. POWDERLY,
502 Quincy Street NW.

OFFICE OF W. B. HOLT, NINTH VICE PRESIDENT,
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,
New York City.

First. In November, 1910, the men came to me and stated that they had been paid short for the past four years.

Second. I called on Mr. Van Wie, who stated that he would investigate and see that the men were paid in full in the future.

Third. The following pay day men were paid short. I again called on Mr. Van Wie, who promised that they would receive shortage next pay day.

Fourth. Next pay day men were again payed short.

Fifth. January 4, 1911, I sent a letter to Mr. E. J. Berwind calling his attention to the facts in the case, but received no reply.

Sixth. The following pay day men refused to accept salary, as it was not paid in full.

Seventh. Next day held a conference with Mr. Chase, who agreed to pay the shortage for the past six weeks, from December 1, 1911, to January 14, 1911, which amounted to \$1,987.78 on 133 men; also reached a base on which the men should be paid in the future.

Eighth. January 25 I received a telegram from Mr. Van Wie asking me to call at No. 1 Broadway on Friday, January 27, at 2:30 p. m., which I did. Instead of meeting Mr. Van Wie I met Mr. Chase, who gave me a copy of a typewritten statement that they would have to sign when they received any shortage on February 3, which would be the next pay day.

Ninth. On February 3, 1911, I was at the office of the paymaster and signed as a witness all statements when the men received their shortages.

Tenth. Things ran nicely until May 7, 1911, when the captains of the boat sent a letter to Mr. Van Wie, asking for an increase in salary; this letter was not answered. The captains requested me to call on Mr. Van Wie and see what he intended to do with the matter. Mr. Van Wie stated that he would let the men know the action taken by the officials on the matter, which he failed to do.

Eleventh. On May 12, 1911, I was requested by the coal handlers to write to Mr. Chase, telling him that they could not load coal on the lighter *Rudolf Brothers* and the barge *Harriet* for \$1 per car, and requested that they be paid \$2 per car for that kind of work. I received no answer, although he requested me to let him know at any time that there was a grievance existing among the men.

Twelfth. On July 6, 1911, a lighter came to the pier and the men refused to load it. The men sent to New York after me. I called up Mr. Van Wie on the telephone and stated to him what the trouble was. He told me in reply if the men loaded the lighter he would see to it that they were paid \$2 per car; a yet they have never received but the \$1 per car. Mr. Van Wie also agreed to meet a committee of the boatmen to talk over the matter of an increase in their salary; he also promised not to discriminate against any man who would be on the committee, yet at the first opportunity he discharged the man who acted as spokesman. On September 1, 1911, a committee of the men requested me to bring some grievances to the notice of the officials. I called up the main office also the pier in Jersey City, but could not get Mr. Van Wie to come to the phone. Next morning I went to the Jersey City pier; the men refused to start work until some understanding with the company was arrived at. They remained at the pier in an orderly manner, waiting for some of the officials who would talk the matter over with them, until 3 p. m., when the men were driven off the pier by the police.

Thirteenth. September 3, in the evening, I called at Mr. Van Wie's home and stated the grievances to him; also told him that the men would return to work in the morning if he agreed to give them a hearing. Thus he refused to do. I also told him that I had records of the company's workings, which had been furnished me by one of the officials of the company for the purpose of making trouble. I stated that I intended to bring this matter to the notice of Mr. Berwind. I received a laugh, and was told he would probably not want to know about it. These are the envelopes and copies of the pay rolls which were furnished me by Robert Graham.

Fourteenth. On September 8, 1911, men furnished me with an affidavit stating that they had to pay \$10 and \$20 to Robert Graham to secure employment on the pier.

Fifteenth. On September 9, 1911, sent a letter to Mr. E. J. Berwind stating the facts in the case; have received no reply to date.

Sixteenth. I then had Mayor Wittgen, of Jersey City, write to Mr. Berwind. Mr. Chase called on the mayor, and I was later informed by Police Capt. Richards, of Jersey City, that Mr. Chase had refused to take any of the men back. The men then seeking employment in other places, 19 of them were hired as freight handlers by the Pennsylvania Railroad Co., but later were discharged and told that they would have to go back to the coal dock. Some few of the men returned to the dock of the Berwind Co., but were told that they were not wanted there under any consideration, thus leaving them entirely without employment.

Seventeenth. Several of the men arrested on suspicion of knowing something about the murders committed among the Italian strike breakers.

Eighteenth. In regard to Mr. Van Wie and Robert Graham working against Supt. Corcoran.

Nineteenth. Compare work done by former employees and the present strike breakers.

THE CHURCH OF THE ASCENSION,
October 17, 1911.

Mr. W. B. HOLT,
99 Wall Street, New York.

DEAR SIR: I have your letter of the 16th saying that there is a matter which you would like to talk over with me.

I could see you at half past 9 o'clock Wednesday morning at 7 West Tenth Street.

Yours, very truly,

PERCY S. GRANT.

THE CHURCH OF THE ASCENSION,
November 20, 1911.

MY DEAR MR. HOLT: Mr. John E. Berwind is home from Europe. What is the present status of the Berwind-White coal docks' trouble at present?

Yours, very truly,

PERCY S. GRANT.

CHURCH OF THE ASCENSION,
New York, November 23, 1911.

REV. PERCY S. GRANT,
7 West Tenth Street, City.

MY DEAR PERCY: Referring to your letter of the 22d instant, with inclosures, I will look into the situation at our Jersey City pier, as described by Mr. W. B. Holt, and you may be assured of our desire and intention to deal fairly with our men and in the most liberal spirit.

With best wishes, believe me,

Most sincerely, yours,

JOHN E. BERWIND.

THE CHURCH OF THE ASCENSION,
November 24, 1911.

MY DEAR MR. HOLT: I have received to-day a letter from Mr. John E. Berwind, and I am inclosing you a copy of it.

Yours, very truly,

P. S. GRANT.

DEAR SIR AND BROTHER: I was over to see Mr. Van Wie this morning and he told me that he did not know anything about us, and told me to tell the men to make their demands, whatever it may be, and stick to it, for he don't know what we want. I told him we want two men and he said it would be up to Mr. Chase, and he told me he would let me know, whatever it may be.

Yours,

JOSEPH CICHACKI.

Please be around in the morning.

W. B. HOLT,
99 Wall Street, New York.

STATE OF NEW JERSEY,
County of Hudson, ss:

John Birose, Theophil Smith, and Constantine Bolijofsky, all of full age, being duly sworn according to law, on their respective oaths, depose and say:

That they were formerly employed by the Berwind-White Coal Mining Co. on their docks at the foot of Sixth Street, in the city of Jersey City, and that Robert Graham was formerly their foreman.

Deponents further say that at the time that they sought employment with the said company they applied to the said Robert Graham for work, and that they were each informed that they would receive a position if they would pay to the said Robert Graham a certain sum of money therefor.

Deponents further state that they each of them paid to the said Robert Graham certain sums of money to wit: John Birose paid the sum of twenty

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dollars (\$20); Theophil Smith the sum of twenty dollars (\$20); and Constantine Bolijofsky the sum of ten dollars (\$10) to the said Robert Graham and that they were thereupon employed by the said Berwind-White Coal Mining Co., and had been in the employ of the said company until September second, nineteen hundred and eleven.

Deponents further state that they make this affidavit without any fear, threat, compulsion, or coercion on the part of any person or persons, voluntarily, and without solicitation from any stranger or outsider, and solely for the purpose of bringing to the knowledge of the said Berwind-White Coal Mining Co. the facts as therein set forth.

JOHN (his x mark) BROSE,
THEOPHIL (his x mark) SMITH,
CONSTANTINE (his x mark) BOLIJOFSKY.

Sworn to and subscribed before me this 8th day of September, 1911.

[SEAL.]

CLARA MATTEL,
Notary Public of New Jersey.

CHURCH TEMPERANCE SOCIETY,
New York, September 19, 1911.

Rev. PERCY S. GRANT,
7 West Tenth Street, New York City.

MY DEAR MR. GRANT: The bearer of this letter, Mr. Walter B. Holt, is the vice president of the International Association of Longshoremen. This society takes a great interest in the welfare of the longshoremen of New York and has had many opportunities of knowing them at close range.

There seems to have been injustice to them in the matter of the Berwind Coal Co., which Mr. Holt will explain to you.

If you can be of service to him, I shall take it as a personal kindness to myself.

Very truly, yours,

H. K. GRAHAM, *General Secretary*

STATE OF NEW JERSEY,
Trenton, N. J., March 25, 1914.

Mr. WALTER B. HOLT,
1108 Park Avenue, Hoboken, N. J.

DEAR SIR: Replying to your favor of the 20th instant, will say that I will be very glad indeed to meet you at such time as is convenient to you, and if you could arrange to see me at the office of the department in Newark, Ordway Building, corner of Market and Beaver Streets, on Friday, the 27th instant between the hour of 2 and 3 p. m., I will be pleased to meet you. If this time and place is not entirely convenient to you, I will be glad to have you so advise me, and I will take up the matter again and endeavor to arrange another meeting.

I am always at the office of the department at Trenton between the hour of 11 and 4 on Tuesdays and usually several other days during the week.

Yours, respectfully,

LEWIS T. BRYANT,
Commissioner of Labor.

STATE OF NEW JERSEY,
Trenton, N. J., April 1, 1914.

Mr. WALTER B. HOLT,
International Longshoremen's Association,
Hoboken, N. J.

DEAR SIR: I am inclosing you in this letter copies of the two communications which I have directed to Monaghan & Mills (Inc.) and also to Mr. John E. Berwind.

I have endeavored to cover these subjects in as thorough a manner as the conditions permit, and if you have any further suggestions to make as to any subject which I should take up further with these concerns I should be glad to hear from you with your advices.

Trusting that you may have these subjects definitely and properly adjusted and assuring you of my desire at all times to assist you in such a way as you may advise, I am

Yours, very truly,

LEWIS T. BRYANT,
Commissioner of Labor.

TRENTON, N. J., April 1, 1914.

MR. JOHN E. BERWIND,
No. 1 Broadway, New York, N. Y.

DEAR SIR: A complaint has been made to this department by Walter B. Holt, representing the International Longshoremen's Association, relative to the matter of employment of men by your concern. The nature of this complaint is rather unusual, and I am not just clear as to the jurisdiction of this department, but I am writing you this letter in order that I may obtain your viewpoint of the situation.

Mr. Holt informs me that one of your foremen is in the habit of obtaining pay for the employment of workmen, and he has affidavits to this effect in his possession. He further advises me that he has endeavored to take up with you his several grievances, and that it has been impossible for him to obtain any consideration or reply.

I do not want to appear in the position of undertaking something foreign to the prerogatives of this office, but I am anxious to see that a fair and reasonable treatment is afforded the workmen employed by you, and I should be glad to have you write me on the subject at your entire convenience. With assurances of my desire to cooperate in the whole subject, I am,

Yours, very truly,

LEWIS T. BRYANT,
Commissioner of Labor.

STATE OF NEW JERSEY,
Trenton, N. J., April 8, 1914.

MR. WALTER B. HOLT,
*International Longshoremen's Association,
Hoboken, N. J.*

MY DEAR SIR: Will you kindly advise me as to whether the men employed at the plant of John E. Berwind and from whom a sum of money was collected by the foreman, Mr. Robert Graham, are still employed by this concern; also the days upon which the employment was commenced and the money paid.

Yours, respectfully,

LEWIS T. BRYANT,
Commissioner of Labor.

HOBOKEN, N. J., April 10, 1914.

HON. LEWIS J. BRYANT,
Commissioner of Labor, State of New Jersey.

DEAR SIR: Yours of the 8th instant to hand and contents noted. Desire to say that the men are not in the employ of the concern, as the letter I showed you the other day showed where they were advised to go on strike. This was a move to get them out, so that the job could be sold to other men.

Inclosed you will find copy of the affidavit, and if it should state that it is too far back you can state that I can get ones more up to date, but have never had them taken, as I have tried several times to see Mr. Berwind to show him this one, but was not successful.

You can state that when Mr. Robert Graham found that I had the affidavit he tried to shove the matter over onto Mr. Berwind's dock superintendent, Mr. Corcoran, by picking up the old pay envelopes of the men and then gave me a copy of the pay rolls showing where the two did not read the same, the men not receiving what the pay roll called for. He also gave me a copy of his report on work done in six months by him, stating what was the cost of same by the pay roll and what the men received. You can tell Mr. Berwind that this is no hearsay, as I have the copies in the handwriting of Mr. Graham and the old pay envelopes in the handwriting of the paymaster.

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You can say to Mr. Berwind that if he will meet me to go over these papers which I have I will meet him any time and place he may suggest, and you may further state that if he does not want to meet me as a labor leader I will meet him as an individual, and I am sure he will be satisfied that he has been getting the worst of it, as well as the men. With best wishes,

Yours, fraternally,

The Berwind White proposition is as follows:

First. On account of a misunderstanding the pay for the month of December, 1910, and up to and including the 14th of January, 1911, they agree to pay the men on the basis of \$1 per car and four men trimming.

On or before the 31st day of January, 1911, the Berwind White Co. to furnish the men a statement showing what the pay average under the old system and what it would amount to under the new, which is as follows:

The men to be paid \$1 per car for unloading the coal and trimming it into the boats. Each gang of 19 men to divide the total number of cars unloaded for the month by 18 instead of 19, the company paying the chute tender or the nineteenth man the same rate of wages as are paid each of the other 18 men.

The coaling of tugboats to be paid for by the company at the rate of \$1.75 for each tug's coaling.

SEPTEMBER 9, 1911.

Mr. E. J. BERWIND,

President Berwind Coal Mining Co.,

1 Broadway, New York City.

DEAR SIR: I am writing you this letter with the earnest request that you appoint a time to meet me in your office. There are several very important matters affecting your company that I want to bring to your attention. They are of such a very important nature that I will not put them in writing, but desire to personally talk with you. I have refrained from giving any publicity to this matter as I believe you to be an honorable man and I have found you such in all my dealings with you. I also believe that if you were in possession of the facts that I desire to bring to your notice, you would not only thank me but would immediately take steps to protect the best interests of your company by having same rectified.

Trusting that this will meet with your favorable consideration and that I will hear from you by return mail, I beg to remain,

Very truly, yours,

W. B. HOLT.

(In pencil on margin.) Every effort made to meet company, but all ignored. No answer from company.

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,

New York City, May 12, 1911.

Mr. E. B. CHASE,

DEAR SIR: I desire, at the request of Local 315, I. L. A., which is the coal handlers on the Harsimus Piers, Jersey City, to bring to your notice the fact that on several occasions of late the barge *Harry* and the steam lighter *Rudolph Bros.* has been loaded.

The men have informed me that it takes 12 to trim on the boats, and that it is impossible to do this kind of work for \$1 per car. They have requested me to write you and ask that you see that they are paid \$2 per car for this kind of work. Hoping you will look into this matter as soon as possible, so that I may give them your reply, I remain,

Yours, fraternally,

WALTER B. HOLT,

99 Watts Street, New York City.

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION,
Hoboken, N. J., May 7, 1911.

Mr. JOHN E. VAN WIE,
Marine Superintendent Berwind-White Coal Mining Co.

DEAR SIR: We, the members of the Eureka boatmen, Local 321, I. L. A., employed as captains on the boats of the Berwind-White Coal Mining Co., desire to bring to your notice:

That the present wage schedule of \$45 per month is not an adequate compensation for the services rendered.

We do not only work in the daytime, but have also to do night towing, and also taking in account the high cost of living we ought to be entitled to the highest wages in the harbor.

A committee of the district council, Local 321, of the Eureka boatmen, 99 Watts Street, New York City, will go over the matter with you at your request.

Expecting to hear from you as soon as possible, we remain,

Yours, very respectfully,

EUREKA BOATMEN,
Local 321, I. L. A.

NEW YORK CITY, January 4, 1911.

Mr. F. J. BERWIND,
Care of Berwind-White Coal Mining Co.,
1 Broadway, New York City.

DEAR SIR: I beg to call your attention to the fact that for some time the men employed by your company as coal handlers at the pier at the foot of Sixth Street, Jersey City, have complained to your marine superintendent, Mr. Van Wie, that \$5 and over has been deducted from their wages every two weeks. They have not been able to secure any redress from Mr. Van Wie, and as a result the men are in a very dissatisfied frame of mind, and unless something is done at once to not only return to them the money which has been stopped from their pay without any cause whatever, and that this system will be discontinued, there is bound to be trouble among the men.

I am calling this matter to your attention, believing that if you are made fully aware of the conditions as they really exist that you will take immediate steps to remedy the same. I would urge that you personally look into this matter to satisfy yourself that the statements herein made are in line with the facts in the case.

Very truly, yours,

[Telegram.]

NEW YORK, January 25, 1911.

WALTER HOLT,
113 Perry Street;

Meet me at 1 Broadway, Friday, 2.30. Answer.

JNO. E. VAN WIE.

NEW YORK, January 26, 1911.

WALTER HOLT, Esq.,
113 Perry Street, City.

DEAR SIR: Not receiving an answer to telegram sent you last evening, will you kindly phone me if you can meet me at my office at 2.30 p. m. to-morrow afternoon at above address?

Please call me at 2333 Waverly about 7 p. m. this evening.

Very truly, yours,

BERWIND-WHITE COAL MINING CO.,
J. E. VAN WIE,
Marine Superintendent.

The six gangs, or 114 men, average for the year 1910, \$54.88.

Under the new basis of \$1 per steel, or large car, and 80 cents per wood, or small car, trimmed into boats, the same number of men would earn on the same amount of work performed \$55.77, in addition to which they would receive \$1.75 for each tugboat coaled and \$1 for each car of anthracite coal dumped, to be divided by the men.

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STATEMENT OF _____, 19____

-----Number-----

In account with Berwind-White Coal Mining Co., Harsimus Coal Pier, Jersey City, N. J.

	Paid.	Extra allowance.
December 1 to 15	-----	-----
December 16 to 31	-----	-----
January 1 to 14	-----	-----
January 15 to 31	-----	-----
On new basis	-----	-----
Proportion on tugs coaled from January 15 to 31	-----	-----
Proportion on anthracite coal dumped	-----	-----
Total	-----	-----

Received the above amount in full for all services to date.

Witness: _____

1 to 19 received	\$15.41
20 to 38 received	15.41
39 to 57 received	14.58
58 to 76 received	14.58
77 to 95 received	16.61
96 to 114 received	16.61
115 to 133 received	11.42

116 I signed but he did not show up.

Shortages paid by Berwind-White Coal Co. to members of Local 315, I. L. A., on February 3, 1911.

\$15.41	\$14.58	\$16.61	\$11.42
38	38	38	19
12328	11664	13288	10278
4623	4371	4983	1142
585.58	554.04	631.18	216.98
	585.58		
	554.04		
	631.18		
	216.98		
	1,987.78		

JUNE 30, '09.

Day pay roll	\$32.62
Day pay envelope	32.35
57 men, 27c	15.39
Night pay roll	28.07
Night pay envelope	28.35
Night pay envelope	27.10
19 men, increase, 28c	5.32
57 men, decrease 97	54.29

42 cars hard coal, \$1.00 car, 42 dollars.

	\$15.39
	54.29
	42.00
	111.68
Less	5.32
	106.36

For 6 mo., 1909.

I shipped 1,793,941 tons in 22,024 hours, @ 30¢ per hour..... \$6,607.20
 You, 6 mos., 1,663,564 tons in 22,076 hours, @ 30..... 6,622.80
 Corcoran shipped 130,377 more.

\$6,622.80
 6,607.20

It cost Bob 15.60 more.

Corcoran: Mch., Apl., May, June, July, Aug.

Bob: Sept., Oct., Nov., Dec., Jan., Feb.

R. & C. cars:

37,840
 34,941

2,899 cars, 130,377 tons.

(Pay envelope:) July 31. Joe Bellkaush, \$32.80.
 (Pay envelope:) 131. July 31. Alex Smith, \$32.80.
 (Pay envelope:) 119. July 31. Joe Angle, \$32.80.

JULY 31st, '09.

Day gang pay roll..... 33.01
 Day gang pay env..... 32.80
 57 men, 21c..... 11.77
 Night gang pay roll..... 23.78
 Night gang pay env..... 23.75
 57 men, 3c..... 1.71
 19 men, pay roll..... 27.05
 pay env..... 26.90
 \$16.53

(Pay envelope:) 101. Apl. 15. Chas. Bellkaush, \$28.45.

APRIL 15th, '09.

Day gang's pay roll..... 35.40
 Day gang's pay env..... 34.60
 57 men, 80c..... 45.60
 Night gang's pay roll..... 28.35
 Night gang's pay env..... 28.45
 Increase, 57 men, 10c..... 5.70

45.60
 Less 5.70
 39.90

(Pay envelope:) 53. Wm. Tusyak, \$33.40.

APRIL 30th, '09

Day gang, pay roll..... 33.72
 Day gang, pay env..... 33.40
 57 men, 32c..... 18.24
 Night gang, pay roll..... 26.59
 Night gang, pay env..... 26.40
 57 men, 19c..... 10.83

19 men, 16.22
 Pay en, 16.20
 18.24
 10.83
 .38
 29.45

2212 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

(Pay envelope :) 100. Chas. Duncesky, \$25.10.

(Pay envelope :) 116. Sigmon Gusti, \$25.10.

MAY 15TH, '09.

Day p. roll_____	33.45
Day p. env_____	32.70
57 men, 75c_____	42.75
Night gang pay roll_____	24.80
Night gang pay env_____	25.10
Increase 76 men, 30c_____	22.80

42.75
Less 22.80
<hr/> 19.95

SUBMITTED TO CAPTAINS ON MANHATTAN LIGHTERS.

ARTICLE 5. It is understood and agreed on the part of the captains that in consideration of these rates for service, and as a further consideration for continued service with the company, that all captains subscribing to this arrangement will at once withdraw (if they have contemplated joining) from the proposed organization of a lighterman's union now being organized as a branch, and to be affiliated with the American Federation of Labor. Nor will they ally themselves, nor become members of any other organization; but stipulate and agree as a part consideration of their employment that they will not join any labor organization without first securing the approval and consent of their employer.

Finally, it is understood and agreed that the captains employed by this company and employees of the marine department shall be permitted to organize a mutual benefit association of their own for the purpose of assistance and benefit, and for the relief of their own sick or needy members.

THE DEPARTMENT STORES OF NEW YORK CITY

(For exhibits under this subject, see pages 2396 to 2410.)

COMMISSION ON INDUSTRIAL RELATIONS.

NEW YORK CITY, *June 10, 1914*—10 a. m.

Present: Chairman Walsh and Commissioners Delano, O'Connell, Lennon, Harriman, Commons, and Garretson; also William O. Thompson, counsel.
Chairman WALSH. The commission will please be in order.
Mr. THOMPSON. Miss Beeks.

TESTIMONY OF MISS GERTRUDE BEEKS.

Mr. THOMPSON. Miss Beeks, will you please give us your name?

Miss BEEKS. Gertrude Breckenridge Beeks.

Mr. THOMPSON. And your address, please?

Miss BEEKS. My home address?

Mr. THOMPSON. Home address?

Miss BEEKS. 210 Fifth Avenue.

Mr. THOMPSON. What is your position?

Miss BEEKS. Director of the welfare department, in so far as this hearing is concerned.

Mr. THOMPSON. Generally, what is your work? What do you do? Are you secretary of the National Civic Federation?

Miss BEEKS. No. Generally, I am a man of all work.

Mr. THOMPSON. Are you connected with any organization such as the National Civic Federation?

Miss BEEKS. I am director of its welfare department and secretary of its workmen's compensation department.

Mr. THOMPSON. How long have you been connected with the National Civic Federation?

Miss BEEKS. With the National Civic Federation since its inception in 1909.

Mr. THOMPSON. And with the welfare department of its work?

Miss BEEKS. Also since its inception—previous to its organization and at the time of its foundation in 1904.

Mr. THOMPSON. The head offices are located in New York?

Miss BEEKS. Yes, sir.

Mr. THOMPSON. And your business office is here?

Miss BEEKS. Yes, sir.

Mr. THOMPSON. During the last few years has the Civic Federation made an investigation of the department stores of the city of New York?

Miss BEEKS. Yes, sir.

Mr. THOMPSON. If there has been more than one investigation you may state how many and at what dates they were made—the beginning of the investigation.

Miss BEEKS. I will say, Mr. Thompson, that I intended to bring that out in my preliminary statement. The initial investigation was begun in January, 1911.

Mr. THOMPSON. Well, if you have a statement on the matter, Miss Beeks, that you would like to make you may proceed with it.

Miss BEEKS. Yes, I have. If you permit, I would prefer to stand. I really can not talk sitting down.

Mr. THOMPSON. That is all right, Miss Beeks.

Miss BEEKS. It is necessary to place before your honorable commission, in giving a résumé of our report upon working conditions in certain New York retail concerns, an introductory statement upon the aim of the welfare department of the National Civic Federation and its method of work.

Its membership is comprised of employers interested voluntarily in improving the working and living conditions of their employees. They represent stores, factories, mines, railroads, and public institutions. It undertakes to prove, by

showing good examples, what should be done in providing proper conveniences for employees.

The policy of the welfare department of the National Civic Federation is to work in cooperation with the employers, and that principle has been established as fundamental from the inception of its work. Emulation has been its watchword, and its success in securing through that policy betterments for those who labor has entirely justified its method of work. The widespread adoption of welfare work as the result of its propaganda is such as was not remotely anticipated by the founders of the organization.

The educational means adopted to extend the practice of welfare work have included not only conferences of employers for interchange of experience but the distribution of illustrated literature—and this I mention because it is a part of our department-store report—and, upon request, the investigation of individual plants or industries for the purpose of making recommendations.

Human nature has been taken into consideration, and when making criticisms we have employed the method of giving full credit for good features already installed by employers, partly to encourage them and partly with a view of holding up their improvements as examples to be followed by other employers. We have at the same time made it a point fearlessly to call to their attention any existing evils.

The report upon certain New York department stores which we have been requested to outline here to-day was only a part of our national program concerning that trade. Our chairman, Mr. William R. Willcox, reported in his annual address of March 6, 1912, our intention to form a national department-store committee. To further that work, we presented our plan to the National Retail Dry Goods Association at its annual meeting October 11, 1912, and announced that the result of our investigation of the stores in the Retail Dry Goods Association of New York City would be made a basis for the work of the federation's proposed national committee on welfare work in department stores, through which it was expected to show that the stores might standardize certain features in the interest of the health and comfort of their employees.

This led to activity in that direction, through its executive committee, by the National Retail Dry Goods Association, and we gave our assistance, at its request, to stimulating interest among its members nationally and prepared an article for its bulletin of February, 1913, to circulate in its trade. We dealt therein with the responsibility of the department-store employers to meet their full obligations, under modern conditions, to their employees, urging a higher minimum wage for women workers, to be secured by voluntary agreement on the part of retail dry goods merchants in the same communities; the shortening of the workday, the statement being made that even at nine hours the strain is severe upon the average woman; and appealing to the retail merchants throughout the country to anticipate drastic legislation by voluntarily improving the conditions of their employees to the utmost.

The National Retail Dry Goods Association has continued its interest and is cooperating with us in the same manner that other trade organizations are doing, thus making it necessary for us to specialize through a national committee on department stores.

It was a part of the purpose in making the inspection of the New York stores not only that its results might prove an effective stimulus in righting conditions needing correction in New York City but to give even a greater stimulus to welfare work in department stores throughout the country, and from the correspondence in the files of the welfare department it is safe to say that that hope has been realized. That we might help to make the department stores in New York City models in the United States was another hope. In some respects even that has come to pass, for one new store, it may be said, is the "last word" in fire prevention and protection, as reported by our consulting engineer.

The Civic Federation's investigation of conditions of employment in the 22 stores affiliated with the New York Retail Dry Goods Association covered a total of 39,000 employees, 22,000 being women. An initial inspection of the stores was begun by us in January, 1911, three months before the enactment of the law creating the New York State Factory Investigating Commission (which at that time was limited to health and safety conditions in manufacturing). That investigation extended over a period of one year into January, 1912. In March, 1913, each firm was handed a separate report critically describing the conditions surrounding its employees, and at the same time

each firm was given a general report upon conditions in the trade, containing suggestions for improvements applicable to all members of the association. In April, 1913, quoting the statement contained in our report:

"The federation was asked by the Retail Dry Goods Association to make a second survey to bring the general report up to date before publication. The association further expressed itself as desiring especially to have the feature of the federation's report dealing with the wage scale as comprehensive as possible, and offered the opportunity of examining the pay rolls of all the stores at its own expense, as the original investigation in that particular had been limited to two large establishments of medium grade. This proposal was accepted."

In making this investigation it was recognized that the duties of the employer to the employee have been enlarged and are not merely those of the purchaser of the employee's time and service for money. The spirit of the age has thrown upon the employer duties involving a proper regard for the comfort, health, safety, and well-being of the employee. While it is not possible to crowd thousands of young women and men under one roof and not have special problems result, it was urged that these employers should undertake diligently and earnestly the elimination of the evils which have sprung up.

Some of the charges made against the modern department store for some time previous to this investigation were low wages and an immoral atmosphere.

These charges have been iterated and reiterated for so many years that no small proportion of the general public has finally come to accept them as true—to some extent at least.

What is the truth of this matter?

Are the working conditions deplorable?

Is the department store a stepping-stone to the brothel?

Are the women, in fact, an army of underpaid, overworked wage earners, rotting under relentless taskmasters?

Do they work amid degrading surroundings?

The welfare department of the National Civic Federation has attempted to answer these questions.

It is estimated conservatively that the recommendations made as the result of this inquiry apply to conditions under which not less than half a million saleswomen earn their daily bread in this country. This figure does not include other types of women employed in the stores, nor were the findings confined to women, as nearly 50 per cent of the employees are men.

There has been taken into consideration the relation of morals to the wage scale of women employees, the data secured warranting, in the judgment of the investigators, a refutation, in so far as these establishments are concerned, of the charge that department stores make it their business policy to pay low wages with the expectation that these will be increased in a dishonorable way.

In an investigation as extensive and detailed as the present one it is exceedingly hard to summarize briefly and at the same time to do full justice to the essential facts of the case. Again, individual welfare features worthy of especial praise may have been undiscovered because of the variety of beneficent activities which to these employers are matters of daily routine not to be called to the attention as subject for inquiry.

Physical conditions in a modern department store conducive to the comfort of the worker are as favorable as those in any line of trade or industry in this country. There is good reason to believe even that the average is appreciably better; and, indeed, some of the welfare work is really wonderful.

The conditions in these stores vary according to the understanding of the officials directly responsible. In one, ventilation may seem the most essential factor. In another the hospital may have become the controlling idea. Wash-rooms may be a hobby or the home work may be carried on out of all proportion to the other activities. Recreation for the junior help may in one place have been so well considered that inadequate fire protection or the injustice of the firing and docking system is overlooked.

The perspective which any manager or superintendent has is largely dependent upon his knowledge of what others are doing. The investigation shows that some are lacking in information as to existing high standards in welfare work, but they are, in the main, not only receptive when practical new ideas are given but eager to apply them.

The quick response made to suggestions contained in the individual reports to the respective firms is almost startling in many instances. Some have exceeded all records in the prompt execution of reforms upon the receipt of such

recommendations. If, coupled with the satisfaction over these improvements, there was in other cases disappointment over the interpretation of plans offered, it gave way upon learning that as yet correct standards had not been visualized to them.

Some of the experts qualified to deal with department-store problems are mentioned in this report.

The special investigators were Miss Florence M. Hall, Miss Mary G. Potter, and Miss L. L. Denver. Each was first sent to a store known to be advanced in welfare work and to one housed in an old building that extremes would afford judgments upon comparative conditions. The public accountants who examined the pay rolls were Lovejoy, Mather & Hough, and advice upon fire prevention, protection, and extinguishment by John H. Derby, a leading engineer, while Christopher D. Roehr, the most competent factory lunch-room expert in the country, made professional inspections in his line of endeavor.

It is only proper to state that the welfare department employed no detectives in making its investigation and no secret methods.

The main topics naturally assemble themselves under four divisions: (1) Welfare activities and recommendations for improvement; (2) the length of the workday; (3) the vexed problem of women's wages in department stores; (4) the relation of the wage scale to the social evil.

Had there been bias in the present investigation the modern retail store could easily, on the basis of selected cases, have been proved good or bad, according to the direction in which the bias lay. If an investigator were to take individual evils which should be corrected in the respective stores and group them together a very severe indictment could be made.

Chief among such wrongs to be righted are: The long workday, including Christmas and general overtime work; slow promotions; inefficient pay of a large class after the apprenticeship period; the firing and docking system; no dismissal notice to rank and file; inadequate fire protection; makeshift or unattractive lunch, hospital, and rest rooms; lack of attention to physical needs of mature workers, such as separate lunch rooms and special quiet rooms for relaxation of women; instruction talks and conferences "after hours"; no general plan for summer vacations with pay; absence of trained welfare workers and organized persevering effort, and indifference or ignorance on the part of many responsible heads concerning high and correct standards of welfare work.

The reader who is inclined to persevere beyond this point will learn that the New York department store, as a business, is characterized by faults and virtues much the same, we fancy, as distinguish other lines of business and, indeed, individuals.

It would be unfair to the department stores under discussion to enumerate some of the evils discovered without stating that in no one store are all of these to be found. The only one which more nearly applies to all is the length of the workday.

It is poor policy to point out evils without suggesting remedial measures, and therefore special attention has been given to proposing methods believed to be generally applicable and to calling attention to good examples in the trade worthy of emulation.

If, during these three days, the members of the commission can take time to glance at page 1, particularly with reference to the expert advice given in their report on the guarding of elevators, and on the methods of organizing lunch rooms, for example, I think you will be impressed with the fact that a real effort was made to give a handle which could be used by these stores in improving their conditions, and an effort being made to give them standards that they might follow.

There will also be filed with your honorable commission a copy of our full report, containing 65,000 words, which was handed simultaneously to the retail dry goods association and the New York State Factory Investigating Commission—that commission having been authorized by the legislature to continue its existence for the purpose of looking into wage conditions in all industries, its scope thus being extended to department stores shortly before the publication of our report.

(The report referred to was printed in the National Civic Federation Review, New York, July 15, 1913.)

In outlining the findings in part 1 of our report, which combines the accounts of special features for the welfare of the employees with long and detailed recommendations for improvements and with the advice of qualified

experts on special topics such as fire protection, accident prevention, sanitation, proper lunch rooms, rest rooms, benefit funds, and company welfare departmental organizations, there have been covered 20 main topics with a variety of subdivisions in themselves worthy of treatment, all in the most concise way possible.

Let me call your special attention to brief accounts of differing activities in each concern on page 3 of our report. Lest there be some misapprehension concerning what is involved in welfare work taken from the German term "Arbeiterwohlfahrt" (workman's welfare), let me call your attention to the fact that it covers all conditions of employment supplementing an adequate wage scale and fair hours of work, and it is designed to eliminate all conditions provocative of disease or injustice.

Instead of finding the conditions particularly bad in New York stores there were found many unsuspected fine features, and in no way are they open to the suspicion that the welfare work is used for ulterior purposes for the reason that its existence was largely unknown, the firms in the main not having made it a point to parade before the public their efforts. Some of the items covered in these various stores, respectively, are: A lunch room in one where 2,000 employees are given lunch below cost each day, a relief room for elevator men in another, a beautiful roof solarium and playground in a third, the substitution of the honor system for fines in a fourth, and others having such features as the distribution of cooled beverages twice daily in the summer throughout the store, a circulating library, a drying room for wet garments to prevent the contracting of cold, provision of distilled drinking water, the chiropodist, the emergency hospital, the extension of vacation with pay to the stationary firemen so frequently forgotten, the installation of an expensive forced ventilation system in the basement of an old store, a smoke-proof and fireproof stairway insuring the safety of employees, recreation plans especially encouraged, doctors and nurses to care for the health of employees in the stores and at their homes, particular attention to the protection of junior help, and particularly fine sanitary arrangements. These and many other features of equal importance constitute some of the phases of welfare work, and a casual observer might easily think that nothing remained to be done.

However, as listed on page 2 of our report, there were found real existing evils. But it was encouraging to find that during both inspections of the stores many suggestions were acted upon, and in giving an account in this chapter of the improvements made we have given the names of the companies in connection with those particular criticisms, but in the same chapter, in mentioning conditions which had not changed, there was no object in publicly listing the stores concerned. In fact, our first desire is to gain a correction of the evils, and our primary interest in the workers would cause us to resort to that method, previously described, which would be most likely to gain the improvements needed by the employees in question.

Under the various headings I shall undertake to give you an idea of some of the recommendations made and of the criticism to which they referred, mentioning at the same time some of the improvements made at the time we handed in our report. Beyond that period we are unable to go.

With your permission I shall return to this chapter if there be time left to take up some of these points after having dealt with the other three very important chief topics of the report.

In any consideration of the welfare of women workers the short day is one of the most important elements. A discussion of hours of work in department stores brings into consideration the important questions of the opening and closing hours, overtime, and early summer closing hours, Christmas overtime, seasonal work and special privileges for shipping during working hours, early leaving on rainy days, allotment for lunch, and one day off for women each month.

One of the most interesting revelations in connection with the investigation of conditions of employment in these New York retail stores is the fact that, excepting when there is a sale, shoppers do not begin to purchase to any extent before 10.30 or 11 o'clock mornings.

In the report of the first investigation, conveyed to the firms in March, 1913, a shorter workday was emphatically recommended, eight hours being the standard.

The retail dry goods association was urged to consider favorably adopting the policy of opening at 9 o'clock, and for nine months in the year, beginning

September 15, closing at 6 o'clock, 5 p. m. being the hour suggested for closing from June 15 to September 15.

Lord & Taylor authorized the following statement on June 17, 1913, starting a new policy, the store at present opens at 9 a. m. This is in accordance with the suggestion of the federation.

Now, we have through the efforts of philanthropic and official bodies a new State law fixing the hours at nine in the department stores, which has caused many others to set the opening hour at 9 o'clock. Under the system existing during our investigation the varying length of the workday in the stores is indicated by the fact that 12 had 8½ hours exclusive of the lunch period, others ranging all the way from 8½ to 9½ hours, with various deviations in relation to Saturday closing.

The ultimate ideal uniform workday for nine months, which now undoubtedly will be regarded as a suggestion far too advanced, is from 9 a. m. to 5.30 p. m., with one hour for lunch.

In arguing for the shorter workday, some of the statements made were, and naturally I give you these arguments because they were based on our findings:

It is not so great a hardship for employees who live in remote places to remain at work until 6 p. m. as it is for them to arrive at 8 or 8.30 a. m. The early opening makes a long day of fatigue, and the tired physical and mental conditions prevent alert compliance with demands of customers. To reach the store at 8.30 many must leave home at 7, arising at 6. The same period for travel will take the worker, if allowed to leave promptly at 6, back into the home possibly in time for a 7.30 evening meal. Employees, tired after so many hours of strain, have no ambition to study to increase efficiency.

The practice, with two exceptions, is to work stationary firemen and engineers all the way from 10 to 13 hours. This plan should be superseded by one permitting three eight-hour shifts, as is the case with the Greenhut-Siegel Cooper Co. and Bloomingdale Bros. The severity of the work of the stationary firemen, the monotony due to his isolation, and the long workday, to which should be added the time required to travel between his place of abode and the store, make for fatigue so excessive that the man can have neither ambition to read and to improve himself, nor time to devote to his family, "even for a Sunday stroll in the park" to enjoy the society of his children on that day which to many spells rest.

The 12-hour workday for barn men also is deplorable and should be shortened. The time allowed them between swings is of no great advantage.

Porters and night watchmen were found working regularly 14 hours.

Mr. W. L. Saunders, chairman of our New York welfare committee, urged the stores to close during the heated term at 5 p. m. five days in the week (Saturdays at noon), but was not successful in gaining compliance on the part of the association as a whole. In urging all to close at noon on Saturdays, the policy of James A. Hearn & Son to close all day Saturday was quoted. Recent announcements indicate even a more generous policy on the part of some stores, i. e., both the Saturday holiday in July and August and two weeks' vacation with pay.

The federation's investigation showed a practice in several stores of allowing as many clerks as possible when business was quiet to go home at 4 or 4.30 o'clock. These early quitting time passes are freely given on rainy days at several of the stores, and anyone might secure leave at 5 o'clock on application for any reasonable cause at Macy's, and in this store, as in many others, employees are not held to strict accountability at the morning reporting hour during inclement weather.

Worthy of emulation are plans for permitting clerks in summer to arrive at 9 o'clock at least alternate weeks, as at McCreery's (until the shorter workday may be inaugurated) and arranging so that men in the delivery department need not work longer than 10 hours any day, except in case of special emergency.

Even shopping time was allowed in some stores, either inside the store or outside, generally in the morning. Always in the morning, before the shopping begins.

It has been proven beyond doubt that to permit the women to remain home one day in the month without notice other than to have a telephone message sent the day of absence does not cripple any department.

Christmas work and overtime constitute two subjects which deserve considerable criticism. With regard to the former, at least, it is only just to say that considerable betterment has been effected within the past few years, and,

further, that the shopping public must itself bear a portion of the blame for a custom which is little short of the inhuman at times, as practiced in some places. A number of the stores investigated were able to demonstrate that they are doing much to mitigate what may not inappropriately be termed the "Christmas evil."

I do not take it that you care to have me mention the names of these places, which can be mentioned, if you desire. Several Sixth Avenue stores kept open last year only Friday and Saturday nights preceding Christmas, and others three instead of six nights as previously. It has been shown conclusively through this investigation that business can be conducted without the night work preceding Christmas, and as the strain of selling during the day itself is almost unendurable during that period, overtime Christmas shopping is very unwise under any circumstances.

In summing up the situation it may be said that some of the stores pay for overtime before the holidays, others furnish supper money, and still others give a free luncheon, while one gives supper money and a spring outing in lieu of extra pay.

Department stores, of course, require a great deal more help during the rush time at Christmas than at any other season during the year. The force of one medium-grade store, which averages 4,000 employees regularly, runs as high as 6,000 during this period; while another, averaging 4,500, puts on 1,500 extra workers. No sane person would argue that a store should keep such extra employees afterwards with nothing for them to do; in the majority of cases temporary employment is no hardship. Many who are in trades with dull seasons at Christmas and many not in industry who desire to make pin money to buy Christmas presents go into department stores at that time. This is further explained by the statement of one of the officers of one of the largest companies in New York to the effect that they take on during the four to eight weeks immediately preceding Christmas an average of 200 men and women employed in wholesale trades, whose dull time commences about the time the department stores become very busy. And many return at once to their trade upon the close of this holiday season.

But there is a persistent claim that sometimes in laying off at this period firms will dismiss numbers who have been steadily employed and will take them back a few days later at a reduced wage.

OVERTIME WORK.

There was enough evidence of overtime work to make it important to offer a recommendation which, if adopted, should lead to reorganization in such a way as to practically cause its discontinuance. It was not practicable to make a searching inquiry into the grievance which is in the air in some places "that there are always some detained until 6:30, 7, and even 7:30 p. m." How general it is to require work after hours it can not be said; that all firms do not rigidly prevent it is apparent. And the arguments were very amusing to us in that connection and sometimes irritating. One superintendent showed his disposition by stating, with reference to talks after hours, "these talks are for the benefit of the clerks, and we have no requests for them to be abandoned; on the contrary, the clerks would be opposed to such action." Just as though they (the employees) would make such a request.

Of course, these talks are for the benefit of the clerks, and their increased efficiency resulting is also of value to the firms, and the employees would not feel free to request their abandonment; if they were consulted, it is more than likely they would suggest having this educational work on the firm's time.

We urge that employees should not be asked to remain after hours, as at some stores, to attend meetings to be instructed in the work, nor should they be required to remain after the closing hour to put their stock in order, there being ample time mornings, except on sale days, for that work, or stores should close to the public a few minutes before the time for sending the employees home to give them an opportunity to again arrange their stock. It is said that it is impossible to get the employees themselves to leave until after they get their stock in a reasonable degree of order. In that case employees should be given the preference over the public in the last end of the day.

We not only recommended the discontinuance of this overtime work, except in cases of emergency, when it is essential, but we said that it is the essence of justice to pay time and one-half for evenings and double time for holidays and Sundays. This would serve to deter heads of departments from keeping the

employees after hours, as the first interest of those heads is to keep down expense in their departments. They would then call their ingenuity into place to find time to instruct as to the next day's duties, such as for special sales, without encroaching on the employees' time. They are not the only ones to suffer, as the detention also acts on their families, making their hour for the evening meal uncertain.

We come now to chapter 3, on wages. Especial interest is centered in the wages of saleswomen, who, however, constitute less than 50 per cent of the women employees in the stores represented in this inquiry, the same ratio probably holding good for all retail stores. During our first investigation in 1911 there was made an examination of the pay rolls of the full complement in the sales forces of two stores of medium grade, which showed the average for saleswomen to be \$7.90 a week in those two stores.

In one store 11 were found selling at \$4.50 and under, and in another 4 at \$4.50; but the big class received \$6, \$7, and \$8 a week, as was found to be the case in the second examination of the pay rolls of 17 establishments. It may be said that the individual wage statements both in the first and second examinations mirrored for the first time to the concerns their general conditions, and in both instances led to changes for those receiving the lowest wages. To have a definite number receiving certain weekly rates under special classifications on one sheet of paper gave an argument of weight, and was quickly perceived.

The wage of the saleswoman presents the most vexing of all the problems the student of the department-store situation encounters, even though the sales force is a comparatively small proportion of the total number of employees in such concerns; and, according to figures obtained from the pay rolls in 17 New York stores, the saleswomen constitute less than 50 per cent of the number of women employees.

That the wages of women in many branches of industry—department stores, offices, or factories—are inadequate is an opinion held by many, if not most, of those who have given the greatest study to this question. Herein lies a problem at least a quarter of a century old, but which has become increasingly acute within the past decade. This we must face when considering the wage phase of the department-store problem.

It became a matter of interest to trace the development of women in salesmanship and to learn that in 1850 the only occupation open to women in New England was that of seamstress, at \$1.25 a week, out of which 75 cents was paid for lodging, light, and fuel, making it necessary for them to beg from benevolent citizens. When taken into the shops shortly afterwards it was the custom to pay women only a little more than they had received in their previous occupation. The textile mills, for example, paid women \$2 a week, with board, because as domestic servants they could earn only \$1.50, with board. "Beginning at \$1.25 a week, the upward path of woman's wage has been excessively long and arduous." In Hunt's Merchants' Magazine for 1865 the employment of ladies as clerks in stores was mentioned as something unusual, and in the same period the New York Times was found earnestly advocating employment of women as clerks in retail dry goods stores.

In our investigation we employ public accountants to make a special thorough inspection of the pay rolls of the employees of a certain large number of firms. I am frank to say that I believe that in all the investigations we have made this is the first time in any trade—and the last time, too, for it has not yet been done any better or as well—that the individual amounts, the actual differences of the amounts paid, have been taken directly from the pay rolls of these various classifications and the situation as it really is, as to the amounts given, secured.

We took the week of April 19, 1913, for our inspection. In order to secure the accuracy of the figures various tests were made as to the amounts of the rolls, rates, sex, age, and numbers with (a) the general books, (b) original applications, (c) cards of record, (d) health-department certificates of age, (e) rolls of previous week, and (f) printed lists of departments, which tests showed no irregularities.

In preparing these figures the commissions and premiums for the week have not been included, as it was felt that no one week in the year could be taken as representative of the average earnings under these headings for the year.

Under the heading of "all others" are included cash girls, bundlers, messengers, stock girls, office employees, and miscellaneous help.

In considering these statements the following points should be borne in mind:

(a) Employees in the manufacturing departments shown as rated at less than \$3 per week were in every case millinery apprentices learning the trade.

(b) Only those who acted solely as saleswomen have been so classed, the assistant buyers, who also in the majority of cases sell, being shown separately. The wages of buyers do not appear in our figures.

(c) In addition to wages shown on the exhibits premiums were paid on certain sales of goods to saleswomen in all stores but four.

(d) In the majority of stores some scheme existed for payment of commissions on sales to saleswomen in certain departments. This practice seems to be steadily gaining ground, and we were informed, in two or three of the stores visited, that they were actually installing, or had under consideration the immediate installation of, systems whereby saleswomen would receive additional remuneration throughout the organization.

(e) From Exhibit A it will be noted that the average rate received by saleswomen is lower than that of the women in the manufacturing departments, due possibly to the skilled labor which must be employed for the latter class of work.

While the exhibits are self-explanatory, we would point out that the average weekly wage received by saleswomen is \$9.31, while that for all employees, exclusive of buyers, is \$8.58. As shown by Exhibit B, 3,127 saleswomen are receiving wages below \$8, or 38.67 per cent of the total number, while over 51 per cent of the total women employees in all stores visited were receiving less than this amount.

Generalizing broadly before going into detail, it may be stated that these facts, in a way, summarize the information brought to light in this phase of the Civic Federation's investigation, it being remembered that social workers have given \$9 as the lowest reasonable living wage for a girl entirely self-supporting in New York, although \$8 is the standard set by such investigators in Boston.

1. The average wage paid women employees in New York department stores is appreciably higher than the average of factories, mills, and like industries in which women are employed in that city.

2. The average of the wages paid women by the large department stores is much higher than that of their small competitors and the thousands of retailers in the various lines of trade.

3. That 38.67 per cent, or 3,127 of the 8,067 saleswomen, and 51.33 per cent or 10,078 of all the women employees, totaling 19,627, in 17 New York stores get less than \$8 a week. One store has none selling under \$8 and only 61 under \$9, while another having 2 at less than \$8 has only 5 under \$9. On the other hand, there are 654 of the total number of feminine employees receiving under \$4, and 2,603 getting less than \$5.

The general situation is indicated by the following:

Average rate of saleswomen.....	\$9.31
Including commissions paid in certain stores.....	9.58
Average rate of women employees in the manufacturing departments.....	10.93
Average rate of all other feminine employees.....	7.00
Over 16 years of age.....	7.00
Under 16 years of age.....	3.85
Average rate of all feminine employees.....	8.58
Including commissions paid in certain stores.....	8.70

The four classifications indicated in the table were taken because they made possible a common basis, which, with the variety of methods of dividing forces in the stores, would otherwise have made accurate statistics impossible of attainment.

The difficulty of securing a common basis for comparison may be indicated by the fact that two of the high-grade stores, belonging to the same firm and selling the same class of goods, differed so in their classifications that nothing short of the four taken by us would enable us to make their conditions comparable.

The highest average wage rate paid saleswomen in any given store is \$14.49; the lowest being \$7.11. The highest wage paid any individual woman (not buyer or assistant buyer) is \$60, and the lowest is \$3.50. Excluding the four firms paying the highest wage rates to saleswomen, \$14.49, \$13.43, \$11.51, and

\$10.33, respectively, the average wage rate paid saleswomen in the other 13 stores is \$8.38.

I want to call your attention to a few special figures. Taking the rate of wage paid saleswomen under \$11, there were 6,753 of the 8,867 receiving less than \$11, and of that 8,867 there were 7,663 receiving less than \$13, the percentage being 86.42.

Then taking those under 16 years of age receiving less than \$5, there were 874, and out of a total of 962. And of the total employees in all stores, once more I reiterate, that out of 19,627 women there were 10,078 securing less than \$8.

The fairness of the federation's averages must be emphasized when it is realized that in this inquiry affecting saleswomen the average rate is that of the full complement of the sales force in each of 17 stores, and then of all taken together. In no other way can a correct average be secured. Investigations other than that of the Government into wages of saleswomen made in various parts of the country have not been scientific for the reason that "a given number of saleswomen" has been the basis. Under such a plan the full group selected may all be getting approximately the same salaries and simply represent types from several stores.

It would be an easy matter to take a group living in a particular community and to show that their average wage is \$6, but in that number there may not be any getting the highest or the lowest salary. It would therefore not represent an average in a given store, to say nothing of the industry.

Averages may mislead and be unfair to low-wage groups, as a few high salaries considerably increase the rate. Therefore, the table in Exhibit B gives the fairest idea as to the numbers receiving certain definite wages and should be closely examined.

Conditions vary to an almost incredible degree.

There are various statistics given here to show how buyers in some stores receive more in proportion than saleswomen in those stores, and in others the saleswomen receive very much less in proportion to the buyers. That is to say, some stores pay more to their buyers in proportion to the saleswomen, while other stores give the preference to the saleswomen.

There are great rewards in some of these stores. For example, in one a buyer who started at \$5 a week now draws \$5,000 a year. Another one, a buyer begun at \$2.50 and is now receiving \$10,000 annually.

Some stores immediately followed the federation's first report with an increase of juniors, including some sales girls in a few instances, from \$3 to \$4, naturally affecting also those getting \$5 and \$6.

While the investigation has shown that there is no justification for the apparently popular idea that it is the policy of any retail firm to set a low scale for women with the expectation that wages will be added to in a dishonorable way, it is true that there are many receiving a rate of wage too low to enable them to live with any degree of comfort when obliged to board with strangers.

The question has not been gone into as to whether a girl or boy living at home may work in a store for less than a living wage as a beginner while learning the trade, important as that is. This also carries with it the question, Is there objection to the idea of parents contributing toward the support of their children while learning a trade? It is usually advocated that they should share with the employer in the cost of the industrial training given in his establishment and that a special apprenticeship rate is allowance.

Although the present average wage in department stores is higher than in factories, as has been shown by recent United States Government statistics, which will surprise many, that fact does not prove that department-store saleswomen get enough, but may rather accentuate the low wage of women in manufacture. It does reduce the cause for criticism leveled at department stores, but not responsibility for helping to bring about a better condition.

We began to seek arguments to induce the retail dry goods merchants to increase the wages of the large class. Whatever argument might have been brought forward for this purpose would have been strengthened if it could be shown that women workers in other occupations demanding approximately the same intelligence and skill were receiving higher wages than in department stores. An examination of the existing material failed to reveal any figures which could be so interpreted. In fact, it was surprising to find that the only conclusion to be drawn from existing material was that however low the wages for large numbers were in department stores, they were still lower in other occupations.

It seemed impossible that wages in New York at this time could be as low for factory women as they were shown in the Government report on the Condition of Woman and Child Wage Earners, and therefore a special effort was made to secure the latest information. The New York State Department of Labor was appealed to for the recent statistics in New York City surrounding factory women's wages where living conditions would be the same as for department-store women, but there was nothing to be had from that bureau. The pending inquiry in the dress and waist industry brought no indication of a higher average for factory women.

The United States Government was appealed to for its latest figures, and information was given concerning 38,482 factory workers in such large cities as Boston, New York, Philadelphia, Baltimore, and Chicago. These figures were based upon the actual weekly earnings for the week and showed a median line somewhere between \$6 and \$6.26 a week for women 18 years of age and over, with 41.1 per cent receiving less than \$6. Thus the comparison made by the Government in its report between department-store saleswomen and factory workers in New York City, both in 1909, still held the force of its agreement; it gave the average weekly wage rate of 5,940 saleswomen in 12 department stores in New York as \$8.84 and the average weekly wages of 1,762 (212 being weekly earnings and 1,550 weekly wage rates) women employed in factories, mills, and like industries in New York City as \$6.12. Our investigation was confined to department stores. We made no inspection of the smaller retail stores. The Government, however, gives for all department and retail store women in New York City, including the lamentably low-wage class in the small retail 5 and 10 cent stores and department stores, \$6.07—less than the average given for factories in New York, namely, \$6.12. It may be added here that in department stores alone our figures give the average for all feminine employees as \$8.58. The Government report calls attention to the fact that in the small retail stores, and especially in the 5 and 10 cent stores, the wages paid are considerably less than in the department stores.

The condition with reference to the factory workers in the large cities of the United States is so deplorable that I must call your special attention to the brief abstract with reference thereto on page 25 of our report. If there be time, I should like to emphasize some of the points.

Nevertheless, while these saleswomen must naturally be of a class able to meet the public, converse in English, and have judgment and expert knowledge not essential in mechanical lines, there must be known to them stock, styles, and prices of the store; they must have ability to discriminate between types of customers, be accurate in filling orders, and possess mathematical attainments enabling them to fill out most exacting checks, taking the ingenuity of the average expert accountant, as, for instance, "C. O. D. exchange," "Straight C. O. D.," "Paid exchange," "C. O. D. part paid," "C. O. D. part charge," "Charge to one address, send to another address," "By cash on C. O. D., check No. 2241," "Driver to collect," and other innumerable variations to be remembered.

The Government report, in a similar account, states: "It seems evident that women possessing such qualifications must be drawn from those whose living conditions are good or fair and whose average earnings amount to \$8 and over."

It must also be borne in mind that the expense of the saleswoman in the matter of wearing apparel must be higher than that of women in factory work, as a neat appearance is one of the requirements in salesmanship.

The expense to the firms of taking inexperienced girls and giving them "industrial training with pay" is certainly heavy, at least for the first year of employment, but expertness can not be developed unless the body is nourished and kept warm and in good health, and even \$8 in New York will furnish the girl who boards with only the bare necessities. Inefficiency certainly has some relation to the long workday (fatigue) and low wages. And that we call attention to in no uncertain terms.

We also stated that firms should not take advantage of girls who live within walking distance by paying the so-called community wages.

The recent testimony in Chicago, given by a majority of the store proprietors, indicated that profits would permit the payment of higher wages without increasing the price of merchandise. Upon that point the individual stores alone in New York are in a position to give facts as to possibilities in their concerns. But, in any event, the public should not be given low prices at the expense of the employees.

If the argument is made that the trade will not bear an increase in wages, such as paying not less than \$8 to women of a year's selling experience and \$3 to all boy and girl packers, bundlers, and other beginners, the answer must be that in other industries the cost has been placed upon the consumer. When it is made clear to the public that it has been profiting at the expense of the girls in the department stores surely the sentiment will be that it must consent to have the burden placed upon the industry or stop finding fault with the department stores for paying low wages. It is, of course, possible that the stores catering to the common people, if they raise their prices, would touch the poor people and not the rich.

I am in doubt as to how much of your time on this subject I should take.

Chairman WALSH. I suggest, Miss Beeks, if there is anything that you have detailed in writing, in manuscript form, the rule of the commission has been to just submit it and supplement it with any verbal suggestions that you may have to amplify it.

Miss BEEKS. Thank you.

The matter of training for efficiency was taken up particularly. It is claimed that there is no longer any real salesmanship in New York City.

The present continuation school work in some of the stores came about through an effort of that character, in connection with our work at the Hotel Astor, and is very much in line with the work now being done in Cincinnati, where the work is done in the stores, and, therefore, more effective.

There is an economic influence upon the wages of women which seems not to have been taken into consideration which is the low wage paid to many types of men wage earners.

I hope you will give that consideration in this inquiry.

The greatest injustice in this direction is slow promotions. There is a tendency to overlook the girls who have been promoted to minor sales positions, such as in the notions, from being packers, bundlers, or messengers, this having been found true in the highest grade stores where the finest type of employees and most skilled ones are to be found receiving the highest salaries, as well as in the others, and the length of service of messengers is sometimes overlooked altogether. The inclination in some stores is to employ large numbers at low salaries rather than to reward efficiency, and expect greater service from comparatively few.

Large numbers comparatively inefficient are required in the cheap-grade stores, it is claimed, to handle the large crowds; but it is not necessary to keep girls who are efficient as long as 7 years' selling at \$6 and \$7. That not only is true, but some stores lose through resignations many competent sales persons because periodical promotions are made. While stores paying the highest wages have remarkably stable forces, it is true that conditions in others confirm the general rule in industry that it can not be left to the fancy of heads of departments or buyers to reward individual merit. It was not possible to have the accountants tabulate wages according to length of service, because records were not readily available or did not exist at all, and in such cases individual inquiries would have been necessary.

In some stores when asked how they arranged their promotions they said, "it was left to the buyers or until the girls asked for it." Their efficiency was then looked up and the raise based upon this. This injustice of this practice to the majority who would not ask for it is patent. Others said: "When the percentage of salary to sales of an individual shows a low cost, she gets a raise in salary."

In one store only there was found a list showing the length of service, and when the employees received their last raise. In this connection it may be suggested that there should be some definite plan for promotion, such as the Brown system of discipline employed upon the railroads and many street car lines, where a card index is kept, and periodically consulted as to length of service, marks for good service rendered, and so forth, with a view to making increases or promotions of those most deserving at least annually. That, as I say, is critical.

Among other things we found that 92 per cent, according to the Government and our own figures at a previous time being about the same, of the women lived at home.

Taking up the question of discipline, which is closely related to the wage scale and overtime, we found various methods existing, a few—

Mr. THOMPSON. Miss Beeks, would you mind submitting to the commission in writing the balance of your paper?

MISS BECKS. I am very sorry to say I would not have time to do that, but I will scan the last few things here, if you like.

CHAIRMAN WALSH. Are you reading this from the same report of which the commission has a copy?

MISS BECKS. Excepting I am putting in interpolations. I would like to mention one thing.

CHAIRMAN WALSH. If you can do it without reading the extract, because we will take this, and it is made a part of our report.

MISS BECKS. Yes. The matter of having so-called grievance boards or conciliation boards I consider one of the most important. We have asked the stores to form conciliation committees. I am afraid that neither the employer nor the employee quite appreciate the value of the conciliation committee. Every office thinks its chief is open to receive complaints, but employees will not go over the heads of their departments for fear of dismissal. Consequently, it is of the greatest importance that there should be some arrangement by which their grievances may be heard, whether they are real or not, and, of course, there are many which are real. In urging that, we have begged that they be composed partly of the employees. As stated, there are many dismissals without notice.

In the matter of the benefit plans, upon which I have not touched, of course, there is a new law at present making it impossible to have compulsory benefit plans. We have explained the objection to them, the resentment on the part of the employees coming from the firing system and compulsory benefit plans, as important as it is to have some system by which those who are unfortunate may receive attention.

Now, there is one chapter upon which I have not yet touched, and I regret to say it is not possible because—

CHAIRMAN WALSH. Is it in this report?

MISS BECKS. Yes; if you will allow me merely to call your attention to it.

CHAIRMAN WALSH. Yes.

MISS BECKS. We are still having in our periodicals a statement made that woman, for material reasons, will surrender her chastity, and that it is a part of the program and business policy of the employer to make her add to her wages through that method.

Now, I particularly ask the commission to read our chapter on "The saleswoman and the social evil." If that were not still brought forward by so-called economic writers, but merely by socialists who desire only to do away with the wage system altogether, I should not call your attention to that. This has been thoroughly taken up, and the testimony of experts who handle that question is given beginning on page 27 of our report.

I thank you for your courtesy in hearing me and assure you I had no intention of taking so much of your time.

CHAIRMAN WALSH. Thank you, Miss Becks. Are there any questions?

MR. THOMPSON. In a general way, Miss Becks, how long did those two investigations take?

MISS BECKS. Well, they began in January, 1911. I believe I said, and we turned in our report July 15, 1913. I mean we published the report in July, 1913, and up to the time, a month, I suppose, up to April of 1913 we were making investigations.

MR. THOMPSON. About how many people were employed, if you can state?

MISS BECKS. In this investigation?

MR. THOMPSON. Yes.

MISS BECKS. I don't know the number. I read their names.

MR. THOMPSON. Were bookkeepers also employed?

MISS BECKS. Yes, sir; a large corps of accountants. We employed the public accountants, Lovejoy, Mather & Hough.

MR. THOMPSON. In connection with this work I think you stated in the beginning of your article or statement to the commission that it was undertaken at the instance of the association department stores?

MISS BECKS. I think I did not make that statement.

MR. THOMPSON. Well, was it so done?

MISS BECKS. I am told that the second investigation was made at the expense of the department stores.

MR. THOMPSON. Well, what caused the first investigation, if you know?

MISS BECKS. Well, that was caused by certain magazine articles, giving the deplorable conditions of saleswomen, various statements about their conditions of employment, which caused one of our members, who is a department-store

man, to ask us to take up this subject, he being willing to throw open all conditions in his store. We felt that we did not care to take it up with reference to an individual store, and if they desired to have all the stores in that association inquired into, we would be glad to make the inspection, and it was followed out from that standpoint.

Chairman WALSH. That is July, 1913, the investigation?

Miss BECKS. It was published July, 1913.

Chairman WALSH. And when did it end?

Miss BECKS. It ended in—I think it was April. I can tell you exactly.

Chairman WALSH. The stenographer called my attention to the fact that you stated 1915 once?

Miss BECKS. I am afraid I did, but that was inadvertently. It was 1913 the report was published.

Mr. THOMPSON. How are such investigations financed? How was this financed, if you can tell?

Miss BECKS. In answer to that question I must tell you that at the outset the work of the department of the National Civic Federation was purely missionary, and through the interest of philanthropic citizens it raised the funds required to employ experts, whose services were given by the welfare department. Soon after, however, it became necessary to make a charge for such experts' services to meet the expenses entailed and special demands, and to answer this specific question I think I can best quote from a letter of President Low on that subject.

Mr. THOMPSON. Will you state it briefly, and then file a copy of that letter?

Miss BECKS. I will be glad to file a copy of that letter, all of that part of the statement.

(The letter of President Low, entitled "Conditions of employment in New York department stores," was submitted in printed form.)

Mr. THOMPSON. Well, in a general way.

Miss BECKS. This letter applies to other things.

Mr. THOMPSON. Well, in a general way, is it by philanthropic contribution?

Miss BECKS. Well, you are talking of the whole inspection?

Mr. THOMPSON. The whole inspection, or any particular part of it?

Miss BECKS. It was paid for by the retail dry goods association.

Mr. THOMPSON. Miss Becks, in regard to that I think you gave a very enlightening and very clear statement of the requirements of saleswomen working in the department stores in New York City and you have stated also that women who could be able to meet these requirements must necessarily come from homes where conditions were good, and who had received, of course, the necessary education. Have you made a study of the requirements of a saleswoman to maintain herself in such surroundings, such a home, under living conditions in New York City?

Miss BECKS. You mean, have we gone into the homes and studied the whole thing?

Mr. THOMPSON. Well, the probable cost, the minimum of wage which would be required to keep a woman who has these attainments and required accomplishments to fulfill the position of a saleswoman?

Miss BECKS. We have made no study of budgets nor of boarding-house conditions in this inquiry.

Mr. THOMPSON. Have you made any conclusion yourself, individually, or has the Civic Federation made any conclusion as to whether or not in its opinion, taking women from whom are required the things that you have stated, that the average pay of \$9.31 is an adequate pay?

Miss BECKS. Well, I don't think you can take averages. Averages are abominable.

Mr. THOMPSON. Well, what would you make the minimum pay for a woman in that kind of position?

Miss BECKS. As stated in this report, I think no woman can live in decency and board under \$8 at the least.

Mr. THOMPSON. Then a woman who wants to live in decency and wants to board, and who must be able to figure out these checks and writing on them, and must discriminate between customers, as you so aptly and forcibly said, ought to be paid more than \$3.50 a week, which is the lowest you gave?

Miss BECKS. Certainly.

Mr. THOMPSON. Well, would you personally be in favor of the establishment of a minimum wage of \$8 a week for women who came up to the requirements as stated in your report?

MISS BECKS. For women who came up to the requirements, most certainly.
 Commissioner GARRETSON. Miss BECKS, I understood you to state that your investigators were sent first to one of the best and most modern institutions, and then to one of the worst.

MISS BECKS. Yes.

Commissioner GARRETSON. So estimated?

MISS BECKS. Yes.

Commissioner GARRETSON. That is, in facilities?

MISS BECKS. Yes.

Commissioner GARRETSON. Then they were instructed to investigate the others as possibly between the two points?

MISS BECKS. Yes.

Commissioner GARRETSON. So the investigation in itself was purely comparative of what is, instead of what should be, was it?

MISS BECKS. Oh, no, not at all; but if you take investigators who have not had an experience in a particular trade, you must give them some standards so that they will have an idea of what conditions ought to be in that trade—some idea.

Commissioner GARRETSON. Well, they only went to those points, then, to get a yardstick of what should be, and not what was?

MISS BECKS. They also got the conditions in those stores and reported upon them thoroughly. They have their standards which they would apply in determining whether the conditions in those two initial stores were good, especially the best stores.

Commissioner GARRETSON. They were not instructed, then, to consider the best of those as ideal?

MISS BECKS. I should think that the report itself would refute—answer that question, because we have said that so many—that in no instance were conditions all good.

Commissioner GARRETSON. In the determination of a wage of a body of people an average wage is absolutely valueless in determining the condition of the people who receive it, is it not?

MISS BECKS. Yes.

Commissioner GARRETSON. There are only two rules that would furnish the adequate measure, either the minimum or the collective rate of the bulk of the people or other rates above?

MISS BECKS. I don't get exactly what you mean by the collective rates.

Commissioner GARRETSON. Well, the very bulk of the craft. For instance, 41 per cent of the employees, if I remember rightly, received less than this \$8 average?

MISS BECKS. I think that is the correct figure.

Commissioner GARRETSON. The average is no comfort whatever to that 41 per cent of the people, nor will it buy anything for them?

MISS BECKS. No.

Commissioner GARRETSON. Therefore, really, the minimum wage is the determining factor in deciding whether a craft is reasonably paid?

MISS BECKS. Well, the minimum wage of a special classification, wouldn't you think?

Commissioner GARRETSON. If that classification includes the large bulk of the lower-paid people. There might be the sporadic case that was not included there that would be met on a different basis, but for the bulk of the people it is only a minimum wage that could show a desirable condition?

MISS BECKS. Certainly.

Commissioner GARRETSON. Now, with regard to the financing of an investigation like this, could any report—any investigation financed by the people to be investigated—carry any weight with the general public unless it was absolutely condemnatory?

MISS BECKS. I think I must refer you to President Low's letter again on that point. That seems to me to be the only answer. As to the undesirability of any part of the expense of such inquiry as made by this department being met by the firms under investigation, Mr. Low says: "Let me point out that in making the fact public the department relieved itself of any just criticism that might otherwise attach to this course." That is contained in this report. "Your comment of the writer of this letter must, then, either mean that the public accountants would be swayed from their duty, because they were paid by the federation with money received from the dry-goods association, or else that the department itself could not be impartial in its conclusions because the

investigation was made possible in this city. So far as the accountants are concerned, the examinations of banks and insurance companies in New York are by law paid for by the companies examined. The reputation of an accounting firm is at stake in each investigation it makes. So far as the welfare department is concerned, you have failed to notice, I think, that the department in undertaking to make the investigation upon these terms has specially pledged itself to report what it finds—whether its findings helped or hurt."

Commissioner GARRETSON. I am not speaking of the merit of the report. I am speaking of the sympathy by which it is received by the public. Is it not ordinarily discredited ahead of time, a report of such a character?

Miss BECKS. I think that if our banks and insurance companies can adopt such methods and still be regarded by the public as being substantial institutions, that the National Civic Federation can do likewise.

Commissioner GARRETSON. I will draw your attention to the fact that the banks and insurance companies never did it until they had to by law.

Miss BECKS. Then I think it would be a very desirable thing to require the philanthropic organizations, that they should be required to do so by law.

Commissioner GARRETSON. I believe you are right.

Commissioner LENNON. Miss Beeks, what degree of cooperation is there between the clerks and the firms in this welfare work?

Miss BECKS. Well, it depends on what you mean. In connection with certain phases?

Commissioner LENNON. Do they appear as helpful in managing this welfare work, in looking after it, and seeing that it is really welfare work?

Miss BECKS. In connection with some of the relief associations the employees form parts of boards or they operate them entirely. In connection with many of their recreation plans the employees have full charge. In the matter of operating lunch rooms the employees are not restaurant managers, and could not do so under any circumstances. In the matter of installing sanitary arrangements it would be quite impossible for the employees to assist in any way.

Commissioner LENNON. And yet the truth of the matter is that the expert laymen of the world, both men and women, are employees and not employers in sanitation?

Miss BECKS. Well, but would you think if you were a clerk behind a counter would you feel that you would be able to know the latest methods in sanitation and be able to instruct the employer how to—

Commissioner LENNON (interrupting). I surely would.

Miss BECKS. I freely say that I don't believe that I could follow that science, and I think that I have average intelligence.

Commissioner LENNON. But if the responsibility was placed upon you by the rest of the clerks of the department, you probably would make good at it?

Miss BECKS. Well, I think there is absolutely—one point I have not brought out is that there is no organization which provides for the systemic operation of the welfare work in these stores, and in order to make it absolutely successful I have begged these firms to organize welfare departments or boards, advisory boards, whatever they want to call them, and compose them both of heads of departments and employees. Until that is done I think they will never really have the greatest success in the welfare work.

Commissioner LENNON. You spoke in your paper of the necessity of conciliation and mediation boards, or something of that character.

Miss BECKS. Yes, sir.

Commissioner LENNON. Is that possible without organization of employees?

Miss BECKS. Yes, it is possible.

Commissioner LENNON. It is?

Miss BECKS. It is possible.

Commissioner LENNON. Can you tell us how it will be possible?

Miss BECKS. Yes; I think it is possible to have departments elect representatives for such a board, for example. That has been done. Of course, it comes in the best way under a system of organization or trade-unionism, naturally.

Commissioner LENNON. You have seen it done successfully by just calling a mass meeting, or something of that kind?

Miss BECKS. No; I don't think you could do much with a mass meeting.

Commissioner LENNON. Neither do I. I wondered how you got at it—how they were elected.

Miss BECKS. Well, of course, there must be some person who can take charge of the matter and arrange to have votes taken in the departments,

so that there may be persons appointed or selected in that way, and make it very democratic under that arrangement. Another way it has been done successfully here has been to have them appointed by old and reliable employees.

Commissioner LENNON. Well, then, it was not democratic, certainly, when one employee makes the appointment. It is not representative of the entire working force.

Miss BECKS. I said it has been successfully done.

Commissioner LENNON. Oh, yes, probably that is true. Will you tell us what the ordinary length of apprenticeship is? Of course, I do not mean apprenticeship like in a trade; but before they begin to get what would be termed something like a normal wage how long would they have to serve as clerks?

Miss BECKS. Well, I am sorry to say that I don't know; but I have felt, as stated, that they have been kept altogether too long. Well, I think I said after the apprenticeship period I really don't know.

Commissioner LENNON. Well, do you think they would have to work six months for a very meager wage before they would have an opportunity for the first increase?

Miss BECKS. I would not like to speculate on that, because I really did not look into that.

Commissioner LENNON. You did not make that investigation?

Miss BECKS. No.

Commissioner LENNON. Did you discover in your investigation any hostility to the employees forming unions?

Miss BECKS. Well, we did not investigate that subject particularly, but answering your question, Did we discover any, I should say yes, that I think some employers were opposed to the particular methods that have been adopted in New York City, in so far as the women are concerned. Some of them have unions in the mechanical lines of their men and are very pleased to deal with those unions. Some of them have arrangements with the union contracts. In one instance I know that with reference to the women that a leader was invited to address the women in the store and tell them if she knew of anything that would benefit the employees.

Mr. THOMPSON. Miss Becks, a public announcement was made by the Civic Federation of the fact that the expenses of these investigations had been defrayed by the retail dry goods associations, was there not?

Miss BECKS. Yes, sir; that is in the report which has been handed in.

Mr. THOMPSON. When was that announcement made with reference to the time that the work was done by the public accountants who went over the books?

Miss BECKS. When was it made to the accountants?

Mr. THOMPSON. No, when was it made with reference to the work done by the accountants—before or after?

Miss BECKS. Not until the report was published, July 15, 1913.

Mr. THOMPSON. And the work was then done by the accountant?

Miss BECKS. The work had been completed by the accountants some time before, several months before.

Mr. THOMPSON. Have you made any investigations as to the number of saleswomen who live at home and the number—not exactly the number but the percentages—that live at home and those who have to board?

Miss BECKS. Yes; we followed that. We took a census of that, and we found that over 50 per cent lived at home, and our figures agreed very well with the Government statistics.

Mr. THOMPSON. And in fixing this minimum wage you fixed it with reference to those conditions as you knew them?

Miss BECKS. I say that no woman can board and live on anything less than \$8 a week, and she has a hard time then.

Mr. THOMPSON. Do you think that a woman can live at home and bear her fair share of the expenses of keeping such a home as you have stated, keeping conditions and surroundings as she would have to live in, as you have stated, on less than \$8 a week?

Miss BECKS. That depends entirely on home conditions. I have known of girls who had \$5 a week who were absolutely rich and lived at home.

Commissioner O'CONNELL. Simply because a girl is living at home and another girl does not live at home, should the girl living home work for a lesser wage than the one who does not?

Miss BEERS. No; I can't say that I think that, although I believe scientifically the family is regarded as the unit.

Commissioner O'CONNELL. You don't think that ought to be made the basis of employment?

Mr. BEERS. I do not.

Commissioner O'CONNELL. You stated that at certain periods of time there was a large increase of employment. You mentioned 2,000?

Miss BEERS. Yes; in one instance.

Commissioner O'CONNELL. And it was alleged that when this force was reduced again that the new employees were retained at a lower wage?

Miss BEERS. Yes.

Commissioner O'CONNELL. That was alleged?

Miss BEERS. Yes.

Commissioner O'CONNELL. Did you make any investigation, or do your records show whether that was true?

Miss BEERS. We had that from an authority which we thought was unquestionable.

Commissioner O'CONNELL. And to what extent did that obtain; pretty largely?

Miss BEERS. No; I can not say that.

TESTIMONY OF MR. PRESTON P. LYNN.

Mr. THOMPSON. Mr. Lynn, will you please give us your full name?

Mr. LYNN. Preston P. Lynn.

Mr. THOMPSON. Preston P. Lynn?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. And your address?

Mr. LYNN. 2562 Ocean Avenue, Sheephead Bay.

Mr. THOMPSON. And your business?

Mr. LYNN. Manager of Wanamaker's.

Mr. THOMPSON. That is, John Wanamaker Co.?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. Retail dry goods stores in this city?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. How long have you been manager of those stores?

Mr. LYNN. About 12 years in New York.

Mr. THOMPSON. Is the John Wanamaker Co. store in New York run under the same management and control as the stores in Philadelphia?

Mr. LYNN. No, sir.

Mr. THOMPSON. It is a separate corporation?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. Has it a separate policy?

Mr. LYNN. Well, the policy is about the same.

Mr. THOMPSON. Have they got any officers the same in it?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. The president?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. The interests in both stores are the same?

Mr. LYNN. All the same; officers are the same in both places.

Mr. THOMPSON. Who lays the policy and the plan under which your store is here run—the head officers?

Mr. LYNN. Well, that is a pretty broad question. You mean the policy of conducting the business?

Mr. THOMPSON. Yes.

Mr. LYNN. The firm, the corporation—Mr. Wanamaker.

Mr. THOMPSON. Is your firm connected with this retail dry goods association?

Mr. LYNN. Not to my knowledge.

Mr. THOMPSON. Is the firm in Philadelphia, do you know?

Mr. LYNN. Not to my knowledge.

Mr. THOMPSON. You would know if it was connected here, would you not?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. How many employees does your company employ in New York?

Mr. LYNN. About 4,700 just now; around there; within 50 of that number.

Mr. THOMPSON. Is this the normal time of year?

Mr. LYNN. Yes, sir.

MR. THOMPSON. How many of your employees are women, and how many are women, if you know—about the percentage?

MR. LYNN. I should judge 60 per cent are women.

MR. THOMPSON. How many of the employees are under 16 years of age, if you know?

MR. LYNN. Under 16—I think about—well, less than 200.

MR. THOMPSON. Less than 200?

MR. LYNN. Yes, sir.

MR. THOMPSON. What proportion of the employees in your store are sales people, if you know?

MR. LYNN. About 1,100.

MR. THOMPSON. And how many of these are women over 16 years of age?

MR. LYNN. Over 700.

MR. THOMPSON. That leaves about 400 saleswomen under 16 years of age?

MR. LYNN. We have no saleswomen under 16 years of age; there are some messengers; you asked for women employees, not saleswomen. To be exact here, I will just make a little statement in regard to the questions that you sent me yesterday.

We have between 1,080 and 1,100 on the selling staff, of which about 715 to 725 were women, and the balance were men.

MR. THOMPSON. What is the average pay of saleswomen in your store?

MR. LYNN. That calls for—can I answer according to the questions that were sent to me?

MR. THOMPSON. You may.

MR. LYNN. It says here, "Are there many women over 18 of three years' experience as saleswomen still earning less than \$9, counting commissions?" No.

MR. THOMPSON. I understand that question. What is the average wage of saleswomen over 16 years of age?

MR. LYNN. That is, over 18; we have no saleswomen at 16 at all; nothing less than 18.

MR. THOMPSON. Well, that is all right, then.

MR. LYNN. Counting commissions paid to saleswomen over 18 years of age, \$9 is the lowest. Taking the second largest group, the clerical force, how many women over 17 earn more than \$9? That is the question. That is 204. That is the question brought in between the selling—you asked for the selling. The staff of selling, the present census, is about 1,087. Of these, 377 are men, 710 women. The question is, "Of these, how many are over 17? How many are over 18." The answer is: Six between 17 and 18, and 1,081 over 18.

Now, of those over 17, how many women receive a wage of less than \$9? The answer is, 121 receive less than \$9, but not less than \$8.

Of those over 17, how many receive less than \$8? Thirty-one women, most all of whom have been promoted to the rank of saleswoman from the cadet forces, which is the junior help.

How many saleswomen receive more than \$9? Four hundred and seventeen.

Counting the commissions, how many saleswomen over 17 earn less than \$9 or less than \$8? Of those over 17, how many women receive less than \$9? That is the same question. One hundred and twenty-one less than \$9 but none less than \$8—that is, the selling force.

I took it from your questions that you are especially interested in the younger and lower grade of people—the small salaries—and for that reason I prepared a little statement of the low salaries—less than \$10.

MR. THOMPSON. You may read it.

MR. LYNN. Well, I will read the questions, because that will help me better to make it clear to you.

How many women are cashiers and tube girls? Fifteen.

How many women or girl cashiers earn less than \$9? Forty-five between \$8 and \$9.

Less than \$8? Sixty-one. Sixteen receive \$7.50; 29, \$7; 10, \$6.50; and 6, \$6. Now, they are the junior people who have been advanced from the younger ones—from what we term the cadets—and they are not full-fledged cashiers. They have little register stations in their sections, and it is practically making change, but they are not called cashiers. They are not held responsible for any shortage, or anything like that.

Is there a minimum wage for women in your store? No. Now, that is the statistics that I have gotten. Would you like me to proceed?

Mr. THOMPSON. Yes; you may follow that sheet down and then file your statement with the commission.

Mr. LYNN. Minimum wage for girls under 16, \$4.

How many receive it? Four.

Does your store dock for tardiness? No.

Does your store pay for overtime, and what rate? We pay no overtime except to mechanics, porters, and factory employees. Allowance of one or two weeks, according to length of service, is allowed as vacation as recompense for overtime, and during the Christmas trade extra compensation is provided for all employees working overtime.

Mr. THOMPSON. Extra compensation, you say, is provided?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. What compensation is provided?

Mr. LYNN. The nonproductive help who are detained after hours—like wrappers or inside delivery; handling the packages—they get time and a half, and the drivers and chauffeurs get full time from the time that we find it necessary to keep them overtime, which is usually, perhaps, a little over two weeks before Christmas. That is regulated according to the business demands.

Mr. THOMPSON. What do you do with reference to the question of the productive help?

Mr. LYNN. The selling force are all on the commission basis, and these salaries that they draw are practically drawing accounts.

Mr. THOMPSON. You make a guarantee to them, do you?

Mr. LYNN. Yes; we start them not less than \$8 or \$9 in some departments, and then they have an opportunity to earn as much as they can over that if they meet the percentage that is based on the department that we feel that we can afford to sell—

Chairman WALSH (interrupting). I didn't quite get all your answer.

Mr. LYNN. I say, the salaries are based on a percentage, and all these salaries for the selling people—the productive force—that is practically a drawing account, advance. A man drawing \$10 a week, that is his guarantee. He is bound to get that; but if he earns, according to the percentage or rate of percentage in his department, more, he draws that.

Chairman WALSH. He begins to get a commission on his first sale?

Mr. LYNN. Yes, sir.

Chairman WALSH. It is credited to him?

Mr. LYNN. Yes, sir.

Chairman WALSH. That is all.

Mr. THOMPSON. What hours do you work the women employees of your firm?

Mr. LYNN. The store opens at 8:30 and we close at 5, with the exception of the month of December. We close the year around at 5:30 with the exception of December, and, with the exception of June, July, and August, at 5 o'clock; 5 and 5:30 are the closing hours.

Mr. THOMPSON. What time do they have for lunch?

Mr. LYNN. One hour.

Mr. THOMPSON. Do you at any other season of the year change these hours?

Mr. LYNN. Lunch hour?

Mr. THOMPSON. Lunch hour and time for work—closing hour?

Mr. LYNN. June, July, and August we close at 5 o'clock, and other times, with the exception of a month before the holidays, at 5:30; and through December at 6 o'clock up to Christmas; right after Christmas, 5:30.

Mr. THOMPSON. In other words, you provide practically an eight-hour day, as I figured it?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. What hours do you have around the holidays for the women help?

Mr. LYNN. The same time to report, and we close at 6 o'clock; that is all; that is, for three weeks in December.

Mr. THOMPSON. The same time for lunch?

Mr. LYNN. Always an hour for lunch.

Mr. THOMPSON. What method or machinery, or both, does your company have with reference to the discharge of employees? Who has power of discharge?

Mr. LYNN. Well, the lower grade, what we call messenger boys and the laboring class, the employment manager. When it goes beyond that, myself. When we are compelled to reduce our forces, we do it at the end of the week. If

there are old people—people who have been with us for some time—who are entitled to special consideration, why, they get a little notice, or they may be paid a week or two in advance.

Mr. THOMPSON. But generally, with reference to the employees who have not been with you a long time, no notice is given?

Mr. LYNN. No, sir.

Mr. THOMPSON. Just told Saturday night that that is the end of their employment?

Mr. LYNN. At the end of the week.

Mr. THOMPSON. And that relates to the larger number of employees who are discharged, does it not?

Mr. LYNN. Well, yes; for the reason that they are the people who come and go between seasons. The regular employees who have been with us and have regular places, they get special consideration.

Mr. THOMPSON. What would you call an employee with you regularly, an employee who had a special place and received special consideration? How long would he have to be with you?

Mr. LYNN. Would not make so much difference how long, if he had been a regular employee. For instance, we require 50 people to sell clothing—that is our regular staff. When we have a clothing sale, as we did a few days ago, we hire 75 extra. Among that 75 who come for four or five days' employment there may be 3 or 4 specially good ones and we may put them on as regulars and keep them a week or a month, and finally, perhaps finding that they do not come up to expectations, they are dropped at the end of a week without notice.

Mr. THOMPSON. Now, take the 50 people who constitute the regular staff, no matter whether a man had been with you for a month or so, you would give him notice?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. What notice would you give him?

Mr. LYNN. Depend on circumstances; might bring him to my office and tell him on account of his want of ability, if he did not make good I would tell him so. You will understand that this commission basis, by that we eliminate all our people who do not earn their salaries. If they do not make good—if they do not draw the money, why, they don't expect to stay.

Mr. THOMPSON. Well, then, even a man of your regular staff of 50, who, in your view of the earning capacity, had not earned his salary, he might be discharged with no notice?

Mr. LYNN. No; he would be told the reason of his discharge.

Mr. THOMPSON. Yes; he would be told the reason of his discharge; but how long a notice would he be given before he was discharged?

Mr. LYNN. Discharged at the end of the week. If we hired a man in advance at \$25 per week to sell clothing, and we kept him a month or two or three months, and he only earned \$15, we don't consider he would require extra notice or recompense. He owes us \$10 a week.

Mr. THOMPSON. You are taking in that case an extreme case. Now assume that a man earned more than \$15 but he was not what you considered an employee that you wished to keep further, because he did not earn enough—did not earn over his salary, or because he did not, in other respects, come up to what you wanted in your store—you passing on that question—

Mr. LYNN. Yes.

Mr. THOMPSON (continuing). What notice would you give, if any, to one of these regular employees? If you have no rule about it, you may state that, or if you have a rule with reference to a special kind of employees, you may state that?

Mr. LYNN. Each case like that is treated individually; but if a man earns \$25 a week, he is a desirable employee, and we don't dismiss him. If he does not earn it, we can not keep him, and he gets his statement every week and he knows how much he is earning.

Mr. THOMPSON. The question of discharge turns mostly I take it from your answers, on the amount of the earning power of the employee?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. Though that is not solely the case?

Mr. LYNN. Well, if it is for any reason that he is not a desirable employee, he is not given any notice.

Mr. THOMPSON. Generally speaking, and as you say in the majority of cases, it is a question of earning power, and he has notice of his lack of earning

power and he don't feel in that case that he is entitled to any previous notice of discharge.

Mr. LYNN. Oh, well, nothing outside of his knowing that he has not earned his salary.

Mr. THOMPSON. Yes. Now, when you stated that employees, members of the regular staff, were given notice of their discharge, what employees did you intend to cover by that statement?

Mr. LYNN. Well, we will say there is a sales person in the jewelry department who has been there for three or five years, been an earnest employee, but through lack of capacity has not been able to hold up his or her end, and might not be entirely their fault, but a good faithful employee. We would not drop that individual out at the end of the week without a week's salary, perhaps, or might be two.

Mr. THOMPSON. About what percentage of the discharges which take place in your store would consist of the class of cases you have last named?

Mr. LYNN. Well, I could not give you the percentage. I think it would be very small.

Mr. THOMPSON. After an employee has been with your company for a number of years, but for a period of time she has fallen down in her earnings below what you thought they ought to earn on the salary paid, how would you treat such an individual?

Mr. LYNN. Well, that would be the individual case. There might be conditions—might be the conditions in the department, or might be the business as a whole. If everybody else in the department went ahead and she went behind, there would be a reason for it.

Mr. THOMPSON. Who determines what shall constitute the basis for figuring the earnings of an employee?

Mr. LYNN. Well, that is based - -

Mr. THOMPSON (interrupting). You do that—the company does that, don't it?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. In considering that matter do the employees ever have a voice?

Mr. LYNN. In regulating the percentage?

Mr. THOMPSON. Yes.

Mr. LYNN. No, sir.

Mr. THOMPSON. Ever discuss it, or is that question ever taken up with the employees, even though the question should be decided by the company?

Mr. LYNN. No, sir.

Mr. THOMPSON. Have you a mutual benefit association in your company?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. How long has that been in existence?

Mr. LYNN. About a month.

Mr. THOMPSON. Then it has not been in existence—

Mr. LYNN (interrupting). Well, this new one, the old one was wiped out by the new laws. It has always existed for the last 50 years.

Mr. THOMPSON. This is a voluntary association?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. What does your company do with reference to inducing the employees to join this association?

Mr. LYNN. Nothing.

Mr. THOMPSON. Who selects the officers for the association?

Mr. LYNN. The employees.

Mr. THOMPSON. They select also the directors of it?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. In other words, they have complete control of the association?

Mr. LYNN. Absolutely.

Mr. THOMPSON. They furnish the funds for running it?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. What, if anything, does the company contribute to the maintenance of this mutual benefit association?

Mr. LYNN. Well, for years, under the old system, they used to have entertainments, games, different amusements, and would sell tickets; and the firm allowed or paid for the music and the printing and all expenses, which gave them an opportunity to create a fund—what they called an emergency fund—to be used by the board of directors at their discretion for any employee who had been sick longer than the benefit entitled to say, three months, and they made a donation of, say, \$50 or \$100, or whatever the case might be.

Mr. THOMPSON. From the firm?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. How frequently, in the past, were those donations made, if you know?

Mr. LYNN. Oh, every year—sometimes twice a year.

Mr. THOMPSON. To the individual employees?

Mr. LYNN. Oh, thousands of dollars have been paid out every year by the board of directors of the association of that money to the employees.

Mr. THOMPSON. I mean, in dealing with this association you say once or twice a year a donation was made to the association by the company?

Mr. LYNN. By having entertainments; yes, sir.

Mr. THOMPSON. By entertainments?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. Not otherwise?

Mr. LYNN. No, sir; only paying the bills; and it just made the employees feel that it was not a charitable institution; that it belonged to them; that they were doing it. The firm paid the expenses, which made it possible for them to create that fund instead of giving it to them.

Mr. THOMPSON. Well, now, what is the policy of the firm toward the association, if it has changed, and what is the reason for the change?

Mr. LYNN. Well, I don't think the policy will be changed.

Mr. THOMPSON. You think it will be kept up?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. Who determines, under the manner in which the association is conducted, the amount of money that should be paid to any employee and the length of time which it shall be paid for?

Mr. LYNN. The board of directors.

Mr. THOMPSON. The board of directors of the benefit association?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. What interest does the firm take in those donations?

Mr. LYNN. Well, nothing, outside of encouraging them to get together—

Mr. THOMPSON (interrupting). Where people are injured by accidents in the store, either by one way or the other, does the firm take up the question of injury and compensation for it separate from the benefit association?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. And what is done by the benefit association has no connection with the amount done by the firm, or the amount the firm will pay?

Mr. LYNN. No, sir. They get their benefits just the same.

Mr. THOMPSON. Have you knowledge of what proportion of benefits men receive during the year, or what number of members from the benefit association?

Mr. LYNN. I can not tell you that.

Mr. THOMPSON. Do you know what is the average benefit of the members?

Mr. LYNN. No.

Mr. THOMPSON. Referring to the question of the discharge of men and the influence the buyers and floor men have in regard to saleswomen and salesmen, and influencing their discharge, what have you to say?

Mr. LYNN. Well, they have a great influence; that is, as to ability or disability as an employee in their section. That does not mean that they are going to be discharged from the business, or store; they may be transferred to another department.

Mr. THOMPSON. In case an employee of your store considers himself abused, or that he has not had fair treatment from the foreman, or from some member of the governing force, or that in other respects they have been discriminated against, what machinery or method of adjusting such grievance or complaint has your firm?

Mr. LYNN. Well, we have the employment man, who is in absolute charge of all employees; that is, the hiring and discharging and what salaries shall be paid, and the allowing of extra time or of any special privileges, or of any grievances that they have. If they feel they are not getting justice, they can always appeal to me.

Mr. THOMPSON. Does that one man attend to all that business?

Mr. LYNN. The greater portion of it; yes, sir; outside of what I handle myself.

Mr. THOMPSON. But in the hiring of employees for your large company, in the adjustment of their salaries, and so on, and in giving the needs of the various departments with reference to help, what proportion of time do you think he would have for taking up grievances of an employee?

Mr. LYNN. Oh, he would have a large portion of his time.

Mr. THOMPSON. You think so?

Mr. LYNN. Yes, sir. The employing hours are two hours in the morning, and the rest of the day is spent at something else.

Mr. THOMPSON. Is he the sole and final judge?

Mr. LYNN. No, sir; I am.

Mr. THOMPSON. And appeal lies from him?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. In case an employee should bring up a grievance to his attention, and not liking his judgment in the matter, should appeal to you, would that count against the employee?

Mr. LYNN. No, sir.

Mr. THOMPSON. Assuming that you upheld this man in his judgment, what influence or effect would it have on the security of that employee in his position with the firm?

Mr. LYNN. None whatever.

Mr. THOMPSON. What voice do the employees have in settling grievances? I understand from your statement that they have none?

Mr. LYNN. No, sir; I am the judge in that.

Mr. THOMPSON. What objection, from your point, is there to permitting the employees to have a voice in the settlement of grievances?

Mr. LYNN. Well, I think it would lead to all kinds of troubles; I am positive it would.

Mr. THOMPSON. Have you made an investigation of industries in which employees have a voice in the adjustment of grievances?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. Where have you made that investigation?

Mr. LYNN. At Filine's this last year—Boston.

Mr. THOMPSON. What did you find there?

Mr. LYNN. Well, I was convinced that their methods would not help our business.

Mr. THOMPSON. Why were you convinced?

Mr. LYNN. Because the employees can not control our business and conduct it, unless they know the conditions.

Mr. THOMPSON. Well, more specifically, did you find in Filine's store in Boston a lack of business management? Did you find insubordination of the people? Did you find that the firm lacked control of its business and that it was unable to transact business properly?

Mr. LYNN. Well, I don't think I ought to criticize them.

Mr. THOMPSON. Well, but you have stated—

Mr. LYNN (interrupting). I don't believe in their methods; their methods would not do us—could not be employed in our business.

Mr. THOMPSON. But the method which Filine uses in Boston is much broader than simply their employees having a voice in the adjustment of grievances?

Mr. LYNN. On the surface; yes.

Mr. THOMPSON. Well, the employees there have a great deal to do with the management of the store?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. With the business management of the store?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. But now I am speaking only of the question of the adjustment of personal grievances of employees. Have you made any investigation concerning factories or businesses where such a board exists, only dealing with grievances of employees?

Mr. LYNN. No, sir; not outside of Filine's.

Mr. THOMPSON. You simply make that judgment of yours on your own theory and ideas?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. It follows, I think, what you said, that you do not believe in the organization of workers in the store into unions. Do you discourage the organization of your employees in your store into a union?

Mr. LYNN. No, sir.

Mr. THOMPSON. You are neutral on that proposition?

Mr. LYNN. Yes, sir.

Mr. THOMPSON. If you knew an employee of your store was seeking to organize the rest of the clerks, you would pay no attention to it?

Mr. LYNN. Yes; I would.

Mr. THOMPSON. What attention would you pay, and what would you do?

Mr. LYNN. I would find out what his grievance was.

Mr. THOMPSON. Suppose he simply believed that the employees should be organized, what difference would it make? You say you are neutral on that proposition?

Mr. LYNN. Yes.

Mr. THOMPSON. And he started around to organize your employees and was successfully organizing them, what would you do when your attention was called to it?

Mr. LYNN. Well, I don't think I would stand for that.

Mr. THOMPSON. You don't think you would stand for that?

Mr. LYNN. No, sir.

Mr. THOMPSON. Then I would like to ask you what you mean by the word "neutral"? [Laughter in the audience.]

Chairman WALSH. We must preserve correct order here.

Mr. LYNN. Well, if a man wants to belong to the union, he can belong to the union, and he can be employed in our place; but we do not employ walking delegates or organizers of labor unions.

Mr. THOMPSON. Suppose he was not either a walking delegate, whatever you mean by that, or an organizer of a union; but was simply an employee of your company and was doing his work as a salesman, or whatever work he had to do, and in addition to that, instead of going to the theater or 5-cent show, or standing around on the corners at night, he was organizing employees of your store?

Mr. LYNN. Outside of the business?

Mr. THOMPSON. Outside of the business.

Mr. LYNN. Well, I would pay no attention to that.

Mr. THOMPSON. Have no objection to it at all?

Mr. LYNN. No.

Mr. THOMPSON. And that employee would stand just as well with you as he did before?

Mr. LYNN. Yes; if he could organize our employees, then I would feel that the employees wanted it, and they should have it. If the majority of our employees want a union, I have no objection.

Mr. THOMPSON. Where would you draw the line as to the point where he should begin to organize your employees or should not?

Mr. LYNN. Solicitation through business hours in the store—organizing in the store.

Mr. THOMPSON. But if he organized after business hours, on the street, outside the store, you would have no objection?

Mr. LYNN. No, sir.

Mr. THOMPSON. I understand you have some welfare work in your store. Have you got the plan of it here in writing?

Mr. LYNN. No; I have not.

Mr. THOMPSON. No printed matter in connection with it?

Mr. LYNN. We have, but I haven't got it with me.

Mr. THOMPSON. Will you please file it with the commission?

Mr. LYNN. Yes; I will be glad to.

(Mr. Lynn later submitted in printed form the following literature, pamphlets, and newspaper clippings: "Report of the Activities of the John Wanamaker Commercial Institute, New York, for the year ending June 7, 1913"; "Inspection Report, Thirteenth Annual Encampment of the J. W. C. I. Regiment at Island Heights, N. J., Aug. 2-15, 1912"; "'The Barracks,' Thirteenth Annual Vacation Schedule, 1912"; "Safeguards and Aids to the Well-Being of Employees"; "Instructions and Information for Messengers and Cadets"; "The Beneficial Association of the Employees of John Wanamaker, New York, Seventeenth Annual Report"; "The Looking Forward Club, Fifteenth Anniversary"; "Commencement Exercises, Senior Boys' Branch and Girls' Branch, June 6, 1914"; "Annual Banquet and Class-Day Exercises of the Girls' Branch John Wanamaker Commercial Institute, June 4, 1914"; newspaper clipping entitled "57 graduates at Wanamaker's"; also cards entitled "Application for membership in the Beneficial Association of the Employees of John Wanamaker, New York," and "The Beneficial Association of the Employees of John Wanamaker, New York, membership card.")

Mr. THOMPSON. Is there anything you would like to say now of your own accord in this matter?

Mr. LYNN. No, sir.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner GARRETSON. Mr. LYNN, what would be your attitude if after this man on the outside—or these men, outside of business hours, have succeeded in organizing the employees of the store in accordance with their desire, as you have outlined, if then the union came to you with propositions governing hours, wages, terms of service, and so on?

Mr. LYNN. Well, I think I would be the best judge whether we could conform with their views and ideas. If I thought their opinions were better, why I would listen to them; and if we could meet their demands, I should be very glad to for the good of the business. But I should always protect the business.

Commissioner GARRETSON. What do you mean by protecting the business? Just what is your application of that?

Mr. LYNN. If their demands were unreasonable, if the business could not afford to meet their demands, I would not listen to them.

Commissioner GARRETSON. If the demands were unreasonable, in your judgment, you would take that position?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. You would reserve the right to yourself?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. To pass absolutely on the unreasonableness or reasonableness of the demand?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. Isn't that exactly the attitude of every employer of labor—bear in mind I will grant the occasional exception, so far as "every" is concerned—but that every employer of labor when unions developed the power to virtually compel acceptance of conditions, they were prior to that time classed as unreasonable?

Mr. LYNN. Well, I can not speak for the other fellows.

Commissioner GARRETSON. In other words, your attitude is that the right is inherent in the employer to pass upon the reasonableness or unreasonableness of the requests of the men?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. Isn't that the attitude that has brought corrective legislation governing very many of these questions, both Federal and in the various ones of the States?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. You would prefer that it should come by legislative action rather than by pressure—surrender of the prerogative of the employer?

Mr. LYNN. No matter what the legislature would do, that would not affect our business.

Commissioner GARRETSON. Hours nor wage would not affect your business?

Mr. LYNN. Not Wanamaker's; no, sir; because we live up to those hours—to the demand.

Commissioner GARRETSON. You hold, then, that the legislature would make its application universal to your competitors as well, and therefore the business would survive?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. Do you believe that the business should survive, whether it can properly fulfill the obligations that rest upon a business or not?

Mr. LYNN. I don't understand that.

Commissioner GARRETSON. Well, has a business a right to continue to exist unless it recognizes all obligations—

Mr. LYNN. No, sir.

Commissioner GARRETSON (continuing). Resting upon it?

Mr. LYNN. No, sir.

Commissioner GARRETSON. You say—what is the employment agent? What is his title?

Mr. LYNN. He is employment manager.

Commissioner GARRETSON. Employment manager has sole charge of the most of those people?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. That is, both for hiring and for discharge?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. Among the sales people is it not the rule for unsatisfactory service—I am not speaking now of not coming up to percentages.

Mr. LYNN. I see.

Commissioner GARRETSON. But if it develops that the head of a department or floorwalker, as the case may be, desirous to get rid of this or that employee, if they send notice to the employment manager that it was an undesirable servant, what would be the action taken, as a rule?

Mr. LYNN. Investigate it.

Commissioner GARRETSON. Investigation?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. The employee would not be discharged without investigation?

Mr. LYNN. No, sir. Might be undesirable in that particular section and be very desirable in another.

Commissioner GARRETSON. You guard against personal umbrage?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. How many appeals have been made to you in cases of that character from the employment manager in the past six months, say?

Mr. LYNN. Well, not very many. Perhaps a dozen.

Commissioner GARRETSON. A dozen?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. In six months?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. How many people within six months have received in your establishment one or two weeks' pay in advance in a case of a discharge?

Mr. LYNN. Oh, I don't know. I would hesitate to say.

Commissioner GARRETSON. Were there any or not?

Mr. LYNN. Yes. I can furnish the number, if the committee desires me to look up the books.

Commissioner GARRETSON. I should be very glad if you will do that.

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. You said your volunteer association has been in existence a month?

Mr. LYNN. About a month; yes, sir.

Commissioner GARRETSON. And that was only a continuation of one that had been in existence for 50 years?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. I suppose that was in the parent store?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. And that it had been abolished by law, or I didn't catch the exact phrase, but the old one had been terminated?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. By the compensation law?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. What feature of that old association made it unlawful under the new enactment?

Mr. LYNN. Well, I do not—

Commissioner GARRETSON. Was it compulsory under the old?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. Did the company contribute to it under the old system?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. And did the company ever plead the payment in that association as a bar to recovery in case of injury?

Mr. LYNN. No, sir.

Commissioner GARRETSON. That is what is specifically barred by compensation acts, is it not?

Mr. LYNN. I can not tell you that.

Commissioner GARRETSON. You are aware, or are you familiar with those relief associations?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. So-called voluntary associations?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. And, prior to the enactment of the Federal act, you are perfectly aware that they were applied as a bar to recovery in cases of injury?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. Your association never did anything of that kind?

Mr. LYNN. No, sir.

Commissioner GARRETSON. What is the highest commission paid last month above \$9, paid to any saleswoman?

Mr. LYNN. I can not tell you off hand.

Commissioner GARRETSON. Can you approximate it?

Mr. LYNN. No, sir. I will make you a statement and file it with your commission if you desire.

Commissioner GARRETSON. Can you approximate how many of the force, of the \$9 people—there were some 400, weren't there?

Mr. LYNN. We do not—

Commissioner GARRETSON. Well, along there. How many of them received a sum in excess of \$9 from the commissions? Will you furnish that also?

Mr. LYNN. Yes, sir.

(The information requested was submitted and is printed as Lynn Exhibit No. 1.)

Commissioner GARRETSON. How is the percentage of a department established? I do not mean by whom. You have already testified it is fixed by you?

Mr. LYNN. Well, by the management.

Commissioner GARRETSON. How is it determined, and is it fluctuating or fixed with the business?

Mr. LYNN. No, sir. It is determined by the class of merchandise.

Commissioner GARRETSON. And the volume of sales?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. In that department?

Mr. LYNN. The commission is based on a certain class of merchandise. It would be from 4 to 10 per cent.

Commissioner GARRETSON. Still its basic feature is the volume of the sales by the sales person?

Mr. LYNN. By the sales person; yes, sir.

Commissioner GARRETSON. Is that a proportionate part of the volume of sales of the department, based upon the number of people employed in that department at that time or not?

Mr. LYNN. It is the individual. The individual sales. His salary is based on his individual sales.

Commissioner GARRETSON. How can you arrive at a proper individual sale, except by a pro rata of the volume of sales in the departments and the number of people participating therein?

Mr. LYNN. The rate of commission is determined by the business and the profits.

Commissioner GARRETSON. Does it fluctuate at any season of the year?

Mr. LYNN. No, sir.

Commissioner GARRETSON. It is fixed?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. It is like the laws of the Medes and Persians?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. It changeth not.

Mr. LYNN. Some of those sales people in the departments may have, where there are quarterly settlements, business according to the seasons; they may run in debt with their commissions and may draw checks of thousands of dollars. Some people in the piano department get checks for \$1,000.

Commissioner GARRETSON. But do you ever require them to check future percentages against the debit?

Mr. LYNN. Only for the year.

Commissioner GARRETSON. What?

Mr. LYNN. Only for the year.

Commissioner GARRETSON. Only for the year?

Mr. LYNN. Yes, sir.

Commissioner GARRETSON. For instance, then, if they fell behind in the first four months on account of depression, or for any other cause, they might owe you enough money so that a slashing good business for the next six months would leave them in debt for the next six months still?

Mr. LYNN. They would be drawing their salary.

Commissioner GARRETSON. Sure; but I am speaking of the theoretical part. He would be theoretically in debt at the end of the year, but you would make no attempt to collect it from him?

Mr. LYNN. No, sir.

Commissioner GARRETSON. There is a compensation system inside, is there not?

Mr. LYNN. If the business conditions are such that it is not the fault of the sales people they have not earned their drawing account, they differentiate and wipe it out.

Commissioner GARRETSON. Would there be a legitimate mission for an organization inside of your shop to make representation to you when, in their opinion, there was or was not justification, and that would be given a reasonable amount of work? Would that be a legitimate function of the people interested?

Mr. LYNN. Certainly.

Commissioner GARRETSON. That is all, Mr. Chairman.

Commissioner COMMONS. Mr. Lynn, I don't know as I got exactly that system of balancing up commissions. Do you mean that the commissions are computed on the year's average commission?

Mr. LYNN. Yes, sir.

Commissioner COMMONS. When are they paid? Are they paid weekly on the weekly sales?

Mr. LYNN. They draw on their weekly drawing account their salary, and in some departments quarterly settlements, some six months, and some monthly settlements—depends on the class of merchandise.

Commissioner COMMONS. When a settlement once has been made, afterwards if they have not earned any commission, or if their sales have not been equal to their salaries—

Mr. LYNN. Yes, sir.

Commissioner COMMONS (continuing). So they would not be entitled to any commission, do you mean to say that that is deducted from any further—

Mr. LYNN. Well, take a specific department. Take the piano department. Every three months the final settlement is made. Through June, July, and August, the dull months, they would not earn their salaries, but then in the fall they earn it two or four or five times over through the holidays.

Commissioner COMMONS. I suppose in the piano department that you give them their commissions once a year, then?

Mr. LYNN. No, sir; they get it every three months; and if they are short in the summer time, they only draw their salaries, and in February, the fiscal year, when the final settlement is made, they get the balance.

Commissioner COMMONS. Is the amount of shortage ascertained and deducted from the commissions?

Mr. LYNN. At the end of the year the total business is taken at that rate per cent.

Commissioner COMMONS. That is true of all departments?

Mr. LYNN. Yes, sir.

Commissioner COMMONS. They figure it out on the average?

Mr. LYNN. Yes, sir.

Commissioner COMMONS. It works out on the commission—

Mr. LYNN. For the year.

Commissioner COMMONS. So that you have the minimum rate of salary per week, and then an annual, practically an annual, profit-sharing scheme at the end of the year?

Mr. LYNN. Yes, sir. The final settlement at the end of the year, but they draw any commission whenever they like, when settlement is made.

Commissioner COMMONS. Has this commission system been in vogue for any length of time?

Mr. LYNN. For the last 18 months or 2 years it has been in all departments.

Commissioner COMMONS. Prior to that it was simply weekly pay?

Mr. LYNN. Yes, sir.

Commissioner COMMONS. Did you have any other system of profit sharing?

Mr. LYNN. Not with the rank and file; no, sir.

Commissioner COMMONS. But with those in charge of the department you have an annual profit-sharing scheme, is it?

Mr. LYNN. Yes, sir.

Commissioner COMMONS. Depending on the sales of that department—sales of all their subordinates?

Mr. LYNN. Yes, sir.

Commissioner COMMONS. So that the object of that is what?

Mr. LYNN. To inspire them to sell more goods and make more profits, more money.

Commissioner COMMONS. So that they would manage their departments to a better advantage?

Mr. LYNN. Yes, sir.

Commissioner COMMONS. This commission system, you have made it comprehensive to care for the whole department; do you find that that is a material advantage in the discipline of the industry?

Mr. LYNN. Yes, sir; it means that we can have a higher grade of help. It means that a department where, for instance, shoes require technical knowledge, they make better sellers and the people who earn the money actually receive it. It eliminates all the lower grade and the people who can not make their drawing account. It has increased the efficiency of the grade of the selling force.

Commissioner COMMONS. Taking your sales, you have a manufacturing department as well as sales, do you?

Mr. LYNN. Very little.

Commissioner COMMONS. Taking the whole establishment, and what do you call your average force, the total number employed?

Mr. LYNN. Around 4,000—a little over 4,000.

Commissioner COMMONS. When does it reach its maximum? What is the maximum?

Mr. LYNN. About the last week in November and the 1st of December, around 6,000.

Commissioner COMMONS. About 6,000?

Mr. LYNN. Yes, sir; it means everything—help and delivery and everything.

Commissioner COMMONS. And the minimum comes about what time?

Mr. LYNN. Around this time—between now and the 1st of September and October.

Commissioner COMMONS. It gets down to about—

Mr. LYNN. Four thousand five hundred—around that—4,500 or 4,600.

Commissioner COMMONS. Then the minimum would be about 4,500?

Mr. LYNN. Around there, yes.

Commissioner COMMONS. And the average—in the course of the year you have in mind about how many new help you hire?

Mr. LYNN. Well, the difference between the extra help that is taken on.

Commissioner COMMONS. Well, how steady is employment during the year? Are you able to keep a number of them steadily in your service?

Mr. LYNN. Yes; our regular force changes very little.

Commissioner COMMONS. That is this 4,500?

Mr. LYNN. We have very few old people, regular people, leaving our place. That is in the selling force or in the merchandise departments. The non-productive office people are coming and going all the time, but in the selling force we have very few people leave, only when we have special sales, season of the year, special departments where you may have to take 10, 15, or 20 people more and break them in, and they come together always on the—almost always on the row, and they get the preference, and if they are desirable, and we can give them employment in places they want, where extra people are needed, they are the ones who get the first opportunity.

Commissioner COMMONS. During the 12 years that you have been a manager, what are the principal improvements you have made in these matters that have been brought before you here, such as hours and wages?

Mr. LYNN. Yes.

Commissioner COMMONS. What were the hours of labor when you started in 12 years ago?

Mr. LYNN. Why, from 8.15 to 6, with three-quarters of an hour for lunch, up to 10 years ago; and two weeks until 10 o'clock before the holidays.

Commissioner COMMONS. At night?

Mr. LYNN. At night.

Commissioner COMMONS. That was 10 years ago?

Mr. LYNN. Yes.

Commissioner COMMONS. Then, this present system came in about 10 years ago?

Mr. LYNN. Yes. We have made changes right along on shorter hours. I suppose we have been closing at 5.30 for two years. Prior to that it was 6 o'clock.

Commissioner COMMONS. If it is on an eight-hour basis now you say it was probably on a nine-hour basis 10 years ago?

Mr. LYNN. Yes.

Commissioner COMMONS. I saw some statement in the papers where you were contemplating still further reduction, or holidays, or afternoons?

Mr. LYNN. Holidays; yes.

Commissioner COMMONS. Give a certain amount of help a vacation on pay?

Mr. LYNN. Yes; we give vacations now; two weeks to old employees.

Commissioner COMMONS. Is that on full pay?

Mr. LYNN. Yes; in advance before they go away.

Commissioner COMMONS. How long has that been?

Mr. LYNN. That has been over 25 years; as long as I have been in the business.

Commissioner COMMONS. That has been a continuous policy?

Mr. LYNN. Yes.

Commissioner COMMONS. That goes to all regular employees?

Mr. LYNN. Yes; all regular employees. They get full time.

Commissioner COMMONS. Those who have been on a year?

Mr. LYNN. Yes; those who come on before the holidays now are entitled to one week in advance before they go away.

Commissioner COMMONS. What are the new conditions that have been introduced in the way of improving conditions during the last 12 years?

Mr. LYNN. Well, we have been working all the time on sanitary conditions, on easier hours, and everything that would—

Commissioner COMMONS. (interrupting). Well, on the wages; would you say that there has been an increase in the amount of wages?

Mr. LYNN. Oh, yes; indeed.

Commissioner COMMONS. What comparisons have been made as to what they are getting now and what they got then; how would you compare it with 10 or 12 years ago?

Mr. LYNN. Oh, it is a great deal larger; salaries are a great deal more, a great deal higher.

Commissioner COMMONS. Could you give that?

Mr. LYNN. No; I could not give any estimate.

Commissioner COMMONS. No specific estimate?

Mr. LYNN. I could make up a statement for you.

(The statement was submitted and is printed as Lynn Exhibit No. 2.)

Commissioner COMMONS. Well, what is the minimum that any woman secures in the establishment now?

Mr. LYNN. Well, we would not hire anybody less than \$8 or \$9 a week as saleswoman.

Commissioner COMMONS. What was it 10 years ago?

Mr. LYNN. What you could get them for.

Commissioner COMMONS. Four dollars or five dollars?

Mr. LYNN. No; no saleswoman ever less than \$6 and that is half-time people, say, from 11 to 5.

Commissioner COMMONS. Then, within 10 years you have advanced the minimum from \$6 to \$8?

Mr. LYNN. Yes.

Commissioner COMMONS. For saleswomen?

Mr. LYNN. Yes, sir.

Commissioner COMMONS. Take the others that do the wrapping who are paid not on commission, just what you call, I believe, the lower grade?

Mr. LYNN. Well, the boys used to be started at \$2.50 a week.

Commissioner COMMONS. What are they started at now?

Mr. LYNN. Four dollars.

Chairman WALSH. At this point the commission will stand adjourned until 2 o'clock this afternoon to meet in this room at 2 o'clock sharp.

(Whereupon an adjournment was taken until 2 p. m.)

NEW YORK, June 10, 1914—2 p. m.

Chairman WALSH. The commission will please be in order.

Mr. THOMPSON. I will recall Mr. Lynn.

(No response.)

Mr. LYNN is not present.

Chairman WALSH. Call your next.

Mr. THOMPSON. Mr. Stewart.

TESTIMONY OF MR. LOUIS STEWART.

Mr. THOMPSON. Mr. Stewart, will you give us your name?

Mr. STEWART. Louis Stewart.

Mr. THOMPSON. And your address?

Mr. STEWART. 4 Washington Square, North.

Mr. THOMPSON. Your business?

Mr. STEWART. Dry-goods merchant. I am president of James McCreery & Co.

Mr. THOMPSON. What stores have they, if you know? How many and where are they located?

Mr. STEWART. James McCreery & Co. has only one store—on Thirty-fourth Street.

Mr. THOMPSON. Are you connected with any other stores?

Mr. STEWART. In a general way; yes; I am connected with some other stores.

Mr. THOMPSON. What are those stores generally called—the Clafin stores?

Mr. STEWART. So called, yes; some of them I am connected with.

Mr. THOMPSON. What is your connection with those stores?

Mr. STEWART. General adviser.

Mr. THOMPSON. How many stores have they, if you know, and where are they located—around through the country?

Mr. STEWART. Around through the country; something more than 30.

Mr. THOMPSON. Now, referring to James McCreery & Co., first, how long have you been with that company?

Mr. STEWART. Fourteen years. I have been president of that company for 14 years.

Mr. THOMPSON. Are you a stockholder in the company?

Mr. STEWART. No—I am a small stockholder in the company; moderate stockholder.

Mr. THOMPSON. Referring to the question of wages, Mr. Stewart, upon what basis are the wages of the employees in the selling department of your store figured?

Mr. STEWART. Upon what basis are they figured?

Mr. THOMPSON. Yes; figured or reckoned.

Mr. STEWART. We have a vice president in general charge of that work. He has under him a general superintendent, and he has a superintendent on each floor; and these people are in constant conferences with the buyers, and through this organization they fix the wages.

Mr. THOMPSON. Of the selling people?

Mr. STEWART. Of all the people.

Mr. THOMPSON. Does your store, or this particular store, the McCreery store, pay commission over and above the regular wage?

Mr. STEWART. Yes, sir.

Mr. THOMPSON. How is that fixed, if you have any rule about it?

Mr. STEWART. Yes. Well, that is very simple with us—the general commission. About three years ago we gave the sales people one-half of 1 per cent on all their sales, which meant practically a 10 per cent increase. If, perhaps, the selling was based on 5 per cent. Well, they get one-half of 1 per cent in addition to their salary, whether they sell more or less than they did last year.

Mr. THOMPSON. In other words, what they receive is not dependent upon the previous earnings—

Mr. STEWART. Not at all.

Mr. THOMPSON. Previous to that, but in addition to their salaries.

Mr. STEWART. Yes, sir.

Mr. THOMPSON. Then they get a regular salary and then one-half of 1 per cent in addition?

Mr. STEWART. Yes, sir.

Mr. THOMPSON. And how often is that one-half of 1 per cent figured?

Mr. STEWART. Each month.

Mr. THOMPSON. That has nothing to do with what the profits of the firm are, or whether the firm has any profits or not?

Mr. STEWART. No.

Mr. THOMPSON. That is treated as a wage?

Mr. STEWART. That is treated as a wage.

Mr. THOMPSON. Is that on the gross sales—

Mr. STEWART. Yes. What do you mean by "gross sales"?

Mr. THOMPSON. Well, including all the sales of all kinds.

Mr. STEWART. Yes, sir.

Mr. THOMPSON. Of course, it does not include returns?

Mr. STEWART. Why, certainly not; that is not a sale.

Mr. THOMPSON. What is the largest group of employees in your firm?

Mr. STEWART. Sales people, I should say.

Mr. THOMPSON. How many men are there and how many women?

Mr. STEWART. Is it necessary—may I not say 30 per cent are men and 70 per cent women?

Mr. THOMPSON. What proportion of the whole force does the selling force represent; what percentage, about?

Mr. STEWART. I should say practically a third, may run a little more, may be 40 per cent.

Mr. THOMPSON. Of the whole force of employees, what percentage is male and what percentage female?

Mr. STEWART. I could not answer that. I did not reckon that.

Mr. THOMPSON. Have you an opinion about it?

Mr. STEWART. Well, of the sales force it is the 30 per cent and 70 per cent. It is just possible that it might be 35 and 65.

Mr. THOMPSON. Sixty-five per cent women and 35 per cent men?

Mr. STEWART. I should think likely. I should not want to give you that answer as being entirely accurate, because I did not look that up.

Mr. THOMPSON. Of the selling force there, how many—what is the percentage—are over 16?

Mr. STEWART. Well, they are all over 18.

Mr. THOMPSON. They are all over 18?

Mr. STEWART. Yes, sir.

Mr. THOMPSON. How many of the saleswomen, if you know, receive over \$9 per week?

Mr. STEWART. Pretty nearly all of them; very nearly all of them.

Mr. THOMPSON. Have you any figures on that subject?

Mr. STEWART. Why, I may—I think I have some figures in my pocket, but I will state it from memory. What is the question? How many receive over \$9?

Mr. THOMPSON. How many saleswomen receive over \$9?

Mr. STEWART. I think only 19 receive under \$9.

Mr. THOMPSON. How many saleswomen are there that you employ?

Mr. STEWART. Well, that 19 would not be more than 3 or 4 per cent.

Mr. THOMPSON. I have neglected to ask you

Chairman WALSH (interrupting). Approximately, how many women are in your employment?

Mr. STEWART. You mean in the selling force?

Chairman WALSH. Sales department; yes.

Mr. STEWART. About 400, I should say; probably a few less, and sometimes will run over.

Mr. THOMPSON. What is the total number of employees in your store?

Mr. STEWART (interrupting). I think at the present time not more than 1,700.

Mr. THOMPSON. How many of the salesmen receive less than \$9 a week?

Mr. STEWART. None that I know of.

Mr. THOMPSON. What is the average pay, if you know, of the entire sales force, counting both men and women?

Mr. STEWART. I should say something more than \$15.

Mr. THOMPSON. What is the average pay of the men?

Mr. STEWART. May be nearer \$16.

Mr. THOMPSON. What is the average pay of the men salesmen?

Mr. STEWART. I don't know.

Mr. THOMPSON. And the women?

Mr. STEWART. Yes. The women—I don't know that—that is a matter of record somewhere. Some of these investigating committees have gotten that information. I think the factory investigating committee.

Mr. THOMPSON. There has been a State factory investigation?

Mr. STEWART. I think they did not give us credit for the commissions we paid; some of those people did not. My impression is that the women will average, I should think, \$13.50.

Chairman WALSH. \$13.50?

Mr. STEWART. Yes, sir.

Mr. THOMPSON. \$13.50?

Mr. STEWART. I am not sure of that. If you give them credit for the commissions they got—

Mr. THOMPSON. The average of the men is a little higher than the women?

Mr. STEWART. Yes, sir. Some more.

Mr. THOMPSON. You say the State factory inspection did not give you credit for the commissions?

Mr. STEWART. I don't know. Some of the people around the store said they did not. May be they did.

Mr. THOMPSON. Do you know what is the average guaranteed or regular wage of the saleswomen?

Mr. STEWART. Guaranteed?

Mr. THOMPSON. I mean the regular wage you pay them, irrespective of the commission?

Mr. STEWART. The wage varies.

Mr. THOMPSON. Have you got any average at all?

Mr. STEWART. Irrespective of the commission?

Mr. THOMPSON. Yes.

Mr. STEWART. No, sir; I haven't that information. The information I have is what I gave you with the commission.

Mr. THOMPSON. To ask it in another form, do you know about what the average commission of the sales people is per week?

Mr. STEWART. I do not. I only know that the women earn, I should think, \$13.50 an average, including their commissions.

Mr. THOMPSON. I will put the question in still another form, Mr. Stewart. Do you say that the State factory inspection have not allowed for the commission of the workers?

Mr. STEWART. I do not want to make any accusation as to what the State factory commission did. I think they rather objected to that on the theory that we had only worked up those figures for one month or something like that.

Mr. THOMPSON. If there is anything you want to state in reference to that data, you may do it.

Mr. STEWART. I have no criticism of that data.

Mr. THOMPSON. Or no addition to make to it?

Mr. STEWART. No, sir. I only made allusion to it, because perhaps the figures that they have tabulated might vary a little from the figures that I gave you here.

(Correspondence relating to the New York State Factory Investigating Commission is printed as Stewart Exhibit No. 1.)

Mr. THOMPSON. I simply want to give you an opportunity to state, if you want to, anything further.

Mr. STEWART. Not a thing, sir.

Mr. THOMPSON. How large is the clerical force you use, other people than sales people?

Mr. STEWART. I think we have about 1,700—I should think 1,100, something of that sort.

Mr. THOMPSON. Of the women employed in the clerical force who are not sales people, how many earn less than \$9 a week, if you know?

Mr. STEWART. You forgot to ask me one question: How many sales people get under \$8? I would like to say there are four under \$8, and they are juniors, and I don't know how they happened to be under \$8, but in tabulating the figures that is what they gave me, that there are four under \$8; perhaps I am wrong about that. It may be four between \$8 and \$9.

What is the next question?

Mr. THOMPSON. How many women over 18 earn more than \$9 a week from the clerical force?

Mr. STEWART. Ninety-six.

Mr. THOMPSON. Did you say that there were none that earned less on the clerical force?

Mr. STEWART. No, sir; I did not; there are 53 that earn less. My testimony thus far has been entirely on the sales people to this moment, you will remember.

Mr. THOMPSON. Of the clerical force how many of the women, you say, 59 earn less?

Mr. STEWART. Fifty-three earn less.

Mr. THOMPSON. What is the lowest pay of those 53? That question is not on the list. I just simply ask if you know it, the lowest?

Mr. STEWART. I don't know that, sir.

Mr. THOMPSON. Do you know the average pay of the 53?

Mr. STEWART. I do not. The 53 are young clerks who are sorting the sales checks, and doing similar work that young clerks are doing in railroad offices, sorting canceled tickets, you know, and they only get moderate wages. But they are all fairly paid, even that 53, I am sure. I am sorry I haven't the information.

Mr. THOMPSON. If you care, we will be pleased to have you furnish the commission with that list.

Mr. STEWART. I have no objection, sir. I will be very glad to do it.

(The information requested is printed as Stewart Exhibit No. 2.)

Mr. THOMPSON. How many salesmen earn over \$14 a week?

Mr. STEWART. All but 22.

Mr. THOMPSON. How many salesmen have you got?

Mr. STEWART. How many saleswomen?

Mr. THOMPSON. Salesmen.

Mr. STEWART. Why, we would likely have about, men, 30 per cent; possibly 160 or 180. One hundred and eighty, probably.

Mr. THOMPSON. And you state the number was what —

Mr. STEWART (interrupting). Twenty-two earn less than \$14.

Mr. THOMPSON. What is the lowest wage paid to salesmen, if you know?

Mr. STEWART. Salesmen; yes—

Mr. THOMPSON (interrupting). Of these 22?

Mr. STEWART. I don't know that; it is probably \$12. Something of that sort.

Mr. THOMPSON. In what departments are the largest number of boys or girls over—boys over 18 and girls over 16 years of age?

Mr. STEWART. Well, in the boys under 18, there would be some wagon boys—boys who are not drivers, but go along with the drivers and deliver packages. That would be the only boys of any number. And the girls under 16 would all be messenger girls that take the packages from the counter to the chute, or do some little thing like that. I don't know just what they do.

Mr. THOMPSON. How many boys have you?

Mr. STEWART. We have 98.

Mr. THOMPSON. And what proportion of the boys receive less than \$8 per week?

Mr. STEWART. Nine; there are nine boys we found, way out in the country districts, who probably receive—

Mr. THOMPSON. What is the average pay of all the boys, if you know?

Mr. STEWART. Eight dollars and over; I don't know just how much. Some of these boys get as much as \$10.

Mr. THOMPSON. How many women act as cashiers and tube girls?

Mr. STEWART. Fifteen, sir.

Mr. THOMPSON. How many of those women cashiers earn less than \$9 a week?

Mr. STEWART. Five.

Mr. THOMPSON. Less than \$8?

Mr. STEWART. None.

Mr. THOMPSON. What is the average wage paid these girls, if you know?

Mr. STEWART. I don't know.

Mr. THOMPSON. Is there any minimum wage for girls in your store?

Mr. STEWART. No, sir.

Mr. THOMPSON. There is not?

Mr. STEWART. There is not.

Mr. THOMPSON. You have none?

Mr. STEWART. Unless perhaps the figures I read out must have automatically fixed one. There has never been any intention to fix one.

Mr. THOMPSON. Do you dock for tardiness?

Mr. STEWART. No; we do not.

Mr. THOMPSON. Do you have any system of fines?

Mr. STEWART. Never have in 15 years.

Mr. THOMPSON. Do you pay for overtime?

Mr. STEWART. We have very little overtime in our store. They say "Yes" to that question; they do pay for overtime. I don't know what they pay.

Mr. THOMPSON. Well, on the question of overtime, you say you have very little; how do you figure? Have you a system or plan of computing overtime?

Mr. STEWART. We don't work them after hours to any extent.

Mr. THOMPSON. Have you any system by which, in case a man or woman works longer one day he is given time off the next day?

Mr. STEWART. Yes; we have a system, but I don't know what it is. I am quite sure it is liberal and fair.

Mr. THOMPSON. Could you furnish that plan to the commission?

Mr. STEWART. Possibly. The gentleman I allude to could so far as he has one. We do but very little overtime work.

Mr. THOMPSON. Would you mind taking that up with him and furnishing it? (The information requested is contained in Stewart Exhibit No. 2.)

Mr. STEWART. Yes; I will.

Mr. THOMPSON. Are your women employees ever kept over working at 6:30 at night?

Mr. STEWART. Very seldom, with the exception that sometimes in the advertising department, in sending out some circulars, I think they do; but never after 9 o'clock.

Mr. THOMPSON. Do you know what the latest is that they are required to stay?

Mr. STEWART. Never after 9 o'clock.

Mr. THOMPSON. I take it your firm conforms to the 54-hour law?

Mr. STEWART. Eight and one-half hours in winter; and seven and one-half hours in the summer. Or eight and one-quarter, probably, in the winter. Eight and one-quarter in the wintertime and seven and one-quarter hours in the summer time.

Mr. THOMPSON. Are you connected with any other stores in New York?

Mr. STEWART. I have no official position with any other stores.

Mr. THOMPSON. Or any connection?

Mr. STEWART. No connection that would enable me to answer any questions at all, sir.

Mr. THOMPSON. But in a way you are connected with O'Neil-Adams Co.?

Mr. STEWART. Not in a way that would enable me to give any information about it.

Mr. THOMPSON. With H. Batterman & Co., Brooklyn?

Mr. STEWART. I have no connection there, except an advisory connection, and therefore I have no detailed information.

Mr. THOMPSON. Adams & Co. and Hangerer Co., Buffalo?

Mr. STEWART. Well, I am in a general way connected with those stores, but I am not prepared to answer any questions that you would put about them.

Mr. THOMPSON. And Hahn & Co., Newark, N. J.?

Mr. STEWART. Yes; I am president of that company.

Mr. THOMPSON. About 25 other stores you have some other connection with?

Mr. STEWART. Not so closely—not so close a connection as being president. I am not an officer in the O'Neil-Adams Co. at all.

Mr. THOMPSON. Are they all good-size stores?

Mr. STEWART. Well, we hope so.

Mr. THOMPSON. Well, do you know whether the wages, the hours, and general conditions in those stores vary greatly or not?

Mr. STEWART. The hours do not vary greatly; but as to the wages, I don't think that they vary greatly. I think—my own opinion is that they endeavor there to pay as fair wages as the community would warrant, and comparatively fair with those that I have stated; but I am sorry that I did not know that you were going to question me on these general matters.

Mr. THOMPSON. Well, if you know—I am not going to question you as to details. But is there a minimum wage there for women?

Mr. STEWART. There is not a minimum wage with us anywhere, sir.

Mr. THOMPSON. Is there a maximum wage?

Mr. STEWART. No; we can not do that.

Mr. THOMPSON. Is there any maximum or minimum hours in the stores, if you know?

Mr. STEWART. Well, our stores, wherever we are interested, I think, now open at half past 8 in the morning and close at 6, most of them; some places 5.

Mr. THOMPSON. How much time will they have for lunch?

Mr. STEWART. Well, I think an hour, sir. Still, I would not like to be definite on that, but I think we allow the same lunch hours that other New York stores do; and I heard a gentleman this morning say an hour. To the best of my knowledge that is the time.

Mr. THOMPSON. Now, in your store how are grievances of employees adjusted—matters of discharge, matters of discrimination, matters of alleged abuses of floorwalkers or foremen or foreladies, or any other of the thousand and one questions that come up?

Mr. STEWART. They go to this gentleman whom I have spoken of, the vice president, and the superintendent, and floor superintendent. We have quite a little organization within itself handling those employees, and they certainly have an opportunity to appeal. I don't hear many grievances around there. Presumably, there is always some dissatisfaction in a big organization.

Mr. THOMPSON. Have the employees any persons representing them on this committee?

Mr. STEWART. They have all these gentlemen representing them.

Mr. THOMPSON. I mean—these men are appointed by the firm and paid by the firm?

Mr. STEWART. Yes. These gentlemen are appointed for their fitness, you know. They are appointed for their fitness, as they are very capable men and very humane men, as I see them and understand them. I don't believe the employees could have better representatives than those men.

Mr. THOMPSON. I am not questioning anything in regard to their character. I personally take your word for that. But what I am asking is to see what the machinery is for the representation of the employees. In other words, whether it is a democratic proposition.

Mr. STEWART. Absolutely, yes. Everybody is democratic around there. These people individually have the privilege of appealing to the vice president there if, perhaps, they have not had, in their opinion the proper consideration by the superintendent or by the general superintendent.

Mr. THOMPSON. But when it comes to selecting the person who is going to do that work the employees haven't the right, under your method, to say to you "Well, we don't want that kind of a man; we suggest this man or woman."

Mr. STEWART. No, I select the man. He has been around there for 14 years, and he knows all employees and has their respect. I have not had occasion to select a man, but I think if I did I would select him.

Mr. THOMPSON. Have you any objection to the unionization of the employees of the department stores or dry goods stores or whatever you call it?

Mr. STEWART. What do you mean? One union or numerous unions? I have never thought there could be one union in a dry goods store. The diversity of the employees and their work and their pay, that is so very great that it would seem to me that one union would not fit it if we were going to have unions.

Mr. THOMPSON. Well, assuming the sales people, both men and women, of your store wanted to form a union organization; what would be your attitude in that respect?

Mr. STEWART. My attitude would be one of consideration when I came up to the question. There hasn't been any suggestion of that kind in the store in which I am talking about of which I am president, and we really would have to handle that question as the exigencies of the situation might demand at the time.

Mr. THOMPSON. Have you any opinion now as to what you think your course would be?

Mr. STEWART. No; I have not. I never have any opinions so general as that; I could not.

Mr. THOMPSON. If you heard that an employee of your store was organizing the sales people into a union outside of working hours, say, out on the street outside the store, would you have an objection to that sufficient to cause the discharge of the men?

Mr. STEWART. No; not of that fact alone. I would want to know what his grievance was about. I would probably debate it with him and discuss it with him.

Mr. THOMPSON. Well, suppose he was seeking to form the regular old-style organization, called the union, as we generally understand it publicly.

Mr. STEWART. I don't see how he could form a union in a dry-goods store. I don't think that it is a possibility to have a union that would really be able to handle the questions that came up fairly and properly.

Mr. THOMPSON. But assuming that the employees, Mr. Stewart, felt that it could be formed, could represent them, what would be your opinion then in case the employees differed from you in that respect?

Mr. STEWART. Well, I might agree with them, and I might not agree with them.

Mr. THOMPSON. Now, did you have a strike in all of your Buffalo stores lately?

Mr. STEWART. Not lately; we had a strike there about a year ago.

Mr. THOMPSON. About a year ago?

Mr. STEWART. Yes.

Mr. THOMPSON. Was that settled by agreement with employees?

Mr. STEWART. No formal agreement; no, sir.

Mr. THOMPSON. No formal agreement?

Mr. STEWART. No.

Mr. THOMPSON. But was there an agreement, verbal or otherwise?

Mr. STEWART. Not to my knowledge. The people all came back to work. There wasn't any discrimination there against the union. There was no recognition of the union that I am advised of.

Mr. THOMPSON. Well, did they come back one by one, or in a body?

Mr. STEWART. They all came back to work.

Mr. THOMPSON. In a body?

Mr. STEWART. Well—

Mr. THOMPSON. I don't mean all the same minute at the start, but when one came back the rest came?

Mr. STEWART. Well, there were some general disturbances in the whole town. It did not emanate with us, it came from the express strike, and finally got into the drivers of the dry-goods stores, as I understood it, and they finally came back to work. That was a year ago last month.

Mr. THOMPSON. Were the conditions the same in the Buffalo store after the strike, the same as before?

Mr. STEWART. What do you mean? Conditions as to what?

Mr. THOMPSON. Well, working hours, or was any change made in either the wages or hours or working conditions of the people there?

Mr. STEWART. I can not answer that.

Mr. THOMPSON. Is there any welfare work carried out in connection with the chain of stores?

Mr. STEWART. No general welfare work.

Mr. THOMPSON. Any in connection with the store in New York City?

Mr. STEWART. Oh, yes; each store—

Mr. THOMPSON (interrupting). Have you any literature on that subject?

Mr. STEWART. No; I haven't any literature. There isn't any that I know of, except a little pamphlet that refers to what do they call it—this association they have among themselves—I have forgotten—mutual benefit association. There is probably some little pamphlet about that. That is all I know of.

Mr. THOMPSON. We will be pleased, Mr. Stewart, to have any information in regard to that that you can furnish the commission.

Mr. STEWART. Make a note of that Mr. Porter.

(The information requested is contained in Stewart Exhibit No. 2.)

Mr. THOMPSON. And I would like to ask you now if there is anything that you would like to say yourself?

Mr. STEWART. Not a thing, sir.

Mr. THOMPSON. Mr. Stewart, the question has just been asked me, whether each of these stores that you speak of, are carried on as a chain of stores or independently?

Mr. STEWART. Independent organizations.

Chairman WALSH. Any questions by any of the commissioners?

Commissioner GARRETSON. You have a store in Butte, Mont?

Mr. STEWART. Yes, sir.

Commissioner GARRETSON. Now, isn't there a union in that store?

Mr. STEWART. A union in everything in Butte.

Commissioner GARRETSON. Is there a nonunion man works in Butte, or woman?

Mr. STEWART. I can't answer that.

Commissioner GARRETSON. Well, as a general proposition, you know—

Mr. STEWART. No; I don't know.

Commissioner GARRETSON. Wouldn't it be a necessity, of your knowledge of Butte, for the store to be unionized before it could get trade?

Mr. STEWART. The stores have been unionized there for some 20 years, and I don't know now what the necessity might be from the union.

Commissioner GARRETSON. Well, I am speaking from your knowledge of Butte—

Mr. STEWART. Yes.

Commissioner GARRETSON (continuing). That is, it is utterly impossible, is it not, in general, for any institution to gain patronage there that is not unionized?

MR. STEWART. Well, now, I could not say as to that. You have more knowledge about that than I have.

Commissioner GARRETSON. Well, I will say to you that Butte in general-- you don't know whether a nonunion man could buy a meal there or not, do you?

MR. STEWART. I think he could. I have done it myself.

Commissioner GARRETSON. Well, you don't look like a laboring man.

MR. STEWART. I am.

Commissioner GARRETSON. Have you found any difficulty in conducting a dry goods store in Butte, even if it is unionized?

MR. STEWART. No; I don't know that we have any difficulty in conducting that store.

Commissioner GARRETSON. Well, that would be a fair evidence, would it not, that a union would not necessarily throttle the business or make it impossible to carry it on?

MR. STEWART. Well, I have not made the suggestion that it would.

Commissioner GARRETSON. Well, but I say that would be evidence of that fact?

MR. STEWART. It might not, no; might not be evidence. Butte is a city peculiar unto itself. There are only five or six thousand people there, and they are way out in the wild and woolly West. You can't get to another shopping place until you strike St. Paul and Minneapolis, and you have made that ride.

Commissioner GARRETSON. What is the matter with Anaconda and Helena?

MR. STEWART. Well, Anaconda and Helena are only small, relatively.

Commissioner GARRETSON. Don't the same conditions exist in Anaconda and Helena?

MR. STEWART. Anaconda is a part of Butte; it is only the smelting--

Commissioner GARRETSON. It is a suburb?

MR. STEWART. Yes, sir.

Commissioner GARRETSON. But the fact that the stores are run very closely unionized does in itself demonstrate the fact that a department store can be run with unions strongly existent therein, does it not?

MR. STEWART. I think in Butte the profits are larger than they are here, and possibly the conditions are different. One man can do more work there than he can do here. His customers will wait for him there. There is a little more time--here you have got to have somebody right up to the minute to wait on everybody that comes in. You must have more sales people here than in Butte for the amount of sales they can make.

Commissioner GARRETSON. Is the West noted for leisure time in contradistinction with the East?

MR. STEWART. Well, I don't believe that question quite fits this thing.

Commissioner GARRETSON. You said they had more time.

MR. STEWART. I said in Butte, in shopping, there isn't anybody in Butte that can not get to the store by walking a few blocks, and people who come to these stores come a great many miles. I think really the women there would have a little more time because it would not take them so long to get to the stores, and there are many, many reasons why they would have more time.

Commissioner GARRETSON. Then in a town of the same size, where they wouldn't have to waste any more time in getting to the store in this territory, the conditions would be the same?

MR. STEWART. Might. I don't think they would, but I will say they might.

Commissioner GARRETSON. Go a little farther West, your chain has a store in Spokane?

MR. STEWART. We have one in Seattle. That is better.

Commissioner GARRETSON. Seattle and Tacoma?

MR. STEWART. Yes, sir.

Commissioner GARRETSON. Are you against the minimum wage in the State of Washington?

MR. STEWART. Haven't expressed any opinion.

Commissioner GARRETSON. For women?

MR. STEWART. No, sir.

Commissioner GARRETSON. Has a minimum wage for saleswomen been fixed?

MR. STEWART. I think it has; I don't know whether it is operative yet or not, but it is my impression that it has been fixed.

Commissioner GARRETSON. Do you know the amount of that minimum wage?

MR. STEWART. Well, probably you know more accurately than I. I should say it was \$9.

Commissioner GARRETSON. Isn't it \$12.

Mr. STEWART. Not to my knowledge.

Commissioner GARRETSON. The chances are, when it does become effective you will know?

Mr. STEWART. Oh, yes.

Commissioner GARRETSON. Now, in regard to when the store opens, 8.30 in the morning is your hour?

Mr. STEWART. Nine.

Commissioner GARRETSON. Nine?

Mr. STEWART. Yes, sir.

Commissioner GARRETSON. If the store opens at 9, what time are your people required to be there to get their stock or counters or tables in shape?

Mr. STEWART. I understand at 5 minutes to 9. I have never been there at 5 minutes to 9 since they have adopted that policy.

Commissioner GARRETSON. You do not make that hour yourself?

Mr. STEWART. I get there at five minutes after. I am pretty early.

Commissioner GARRETSON. There is no more than five minutes required of those people?

Mr. STEWART. That is my understanding.

Commissioner GARRETSON. Do they have to straighten their stock out night before leaving?

Mr. STEWART. They ring the bell at 10 minutes to 6; the closing hour is at 6. Part of them go out at 10 minutes to 6 and some go out at 6 o'clock and some 5 or 10 minutes afterwards. That is the way the bells ring. That varies one day with another, so one-third of them get out at 10 minutes to 6 every third day. I understand.

Chairman WALSH. Would you like to ask some questions, Commissioner?

Commissioner COMMONS. I want to ask about that commission.

Is it complete for each day, or do you keep a yearly account?

Mr. STEWART. No, sir. Once a month it is settled.

Commissioner COMMONS. You do not average it up for the year?

Mr. STEWART. There is nothing to average up. They get a half of 1 per cent on the sales above their salaries.

Commissioner COMMONS. You do not take account of any failure?

Mr. STEWART. There can not be any failure. They get that plus their salary. There can not be any failure.

Commissioner COMMONS. That is strictly a bonus on sales?

Mr. STEWART. I would not say it is a bonus. It is a part of their salary. It is our means of giving them their salary.

Commissioner COMMONS. What proportion of the sales people, the 400, earn that?

Mr. STEWART. I understand they all do. I am not quite sure whether there are any exceptions. There might be some exceptions and I not know about them.

Commissioner COMMONS. It counts on first sales?

Mr. STEWART. On all sales, first and last, too.

Commissioner COMMONS. That is all I have.

Commissioner O'CONNELL. Do you have a basement and sub-basement in connection with your large store here?

Mr. STEWART. We have a basement. We do not sell goods in it.

Commissioner O'CONNELL. You do not sell goods in it?

Mr. STEWART. No, sir. We have a sub-basement where the machinery is kept.

Commissioner O'CONNELL. There is none of your goods sold in the basement?

Mr. STEWART. No, sir.

Commissioner O'CONNELL. All on the first floor or above?

Mr. STEWART. Yes, sir.

Commissioner O'CONNELL. It is not necessary to make any particular sanitary arrangement?

Mr. STEWART. We have all the sanitary arrangements required by the building department here. Our store is new, and I do not think there has ever been any criticism of the sanitary conditions.

Commissioner O'CONNELL. Does your firm contribute any sum of money toward this beneficial society the employees have?

Mr. STEWART. No, sir; they have always had money without contributions. We have given some little contributions like I heard it here this morning, but I would not call those contributions.

Commissioner O'CONNELL. Do you know what the employees pay into that organization per month?

Mr. STEWART. They pay 50 cents per month, those who belong.

Commissioner O'CONNELL. Is it compulsory in any way?

Mr. STEWART. It never has been.

Commissioner O'CONNELL. Have you any idea what percentage of employees are members of it?

Mr. STEWART. I think I do, because I asked yesterday; I think there are as many as 900 members.

Commissioner O'CONNELL. Do they pay weekly benefits, sick benefit, accident benefit, and so forth?

Mr. STEWART. They pay all prescribed benefits. I don't know really what they are.

Commissioner O'CONNELL. Do they declare any annual dividends to their members out of their savings?

Mr. STEWART. No, sir. It is a purely beneficiary organization for ill or death.

Commissioner O'CONNELL. That is all I have.

Commissioner DELANO. How long has this bonus system been in effect, the commission?

Mr. STEWART. About two and a half years or three years, I should say. I don't remember exactly.

Commissioner DELANO. Do you feel that it has improved the members in efficiency?

Mr. STEWART. Well, I have always thought we got efficient service out of our people. It always seemed to me so. I would not like to say that this has been particularly beneficial to the store. It certainly must have done some good. There is an increase in the wages of the employees, selling employees. I believe in bonuses, that everybody should participate to a certain extent.

Commissioner DELANO. If there is any test of determining what that has been, is it shown in the increase in any steady or gradual increase in sales?

Mr. STEWART. That business in Thirty-fourth Street has steadily increased each year, and I don't know what we might attribute that to. It was a method at the time of giving those people some recognition for increase, for the increase, and if it increased further they would get a little more out of it.

Commissioner LENNON. Mr. Stewart, is there any period that may be likened unto an apprenticeship before the saleswomen get what would be termed the minimum salary. Of course, I understand in a sense you do not have minimums?

Mr. STEWART. No, sir. I testified we only had four who get as low as \$8.

Commissioner LENNON. Suppose a new girl starts in, would she start at \$8?

Mr. STEWART. She might start at \$15, depending upon what she had accomplished somewhere else.

Commissioner LENNON. Supposing she had never been in a store, would she have to stay a certain time before you would fix her salary?

Mr. STEWART. There does not seem to be many of them serving their time now, as there are only four under \$8, and I am really at a loss to answer that question. I don't think we have any fixed rule for that sort of thing.

Commissioner LENNON. You have nothing that seems to take the place of the ordinary apprenticeship in most businesses?

Mr. STEWART. A great many people have been there as messenger girls in the past. There does not seem to be many of them between the messenger girls and the sales-girl getting less than \$8, only four.

Commissioner LENNON. Do you promote your sales people from these messenger girls and girls doing that kind of work, wherever it is possible to do so?

Mr. STEWART. Yes, sir. Many of them drift into the office on this check work and finally get to be bookkeepers, and some get to be stock girls, and from there to being sales people. A great many of them find better employment in the house.

Commissioner LENNON. Were you connected with the store when it was down in Broadway and Fourteenth Street?

Mr. STEWART. Toward the end of it.

Commissioner LENNON. I used to trade there. I thought I knew you.

Mr. STEWART. It is a good place to trade. It is a better place now up at Thirty-fourth Street.

Commissioner LENNON. That is all I have.

Commissioner GARRETSON. In regard to this bonus, Mr. Stewart, you heard the testimony this morning on the subject of the bonuses in another store?

Mr. STEWART. Yes, sir.

Commissioner GARRETSON. That there is a system whereby a sales person, not meeting the requirements of the bonus paid there, can become indebted in a degree that will swallow all his gains for a succeeding period of the year. Is there anything of that kind connected with your store?

Mr. STEWART. No, sir.

Commissioner GARRETSON. A man can not create a deficit in one month that will absorb his commissions for the next month?

Mr. STEWART. No, sir.

Commissioner GARRETSON. Is this method the outgrowth of the employment of what is known in general of an efficiency engineer?

Mr. STEWART. No, sir.

Commissioner GARRETSON. You are guilty yourselves?

Mr. STEWART. Yes, sir; we did not get any outside talent on that.

Commissioner GARRETSON. It is not one of the methods of speeding up generally recognized?

Mr. STEWART. Well, they might call it speeding up. We did not do it with that purpose. We were hopeful we would get more business always.

Commissioner GARRETSON. So there can be no absorption of one period against another? Each month is settled absolutely by itself?

Mr. STEWART. Yes, sir. We settle at the end of each month.

Commissioner GARRETSON. That is all I have.

Chairman WALSH. Did I understand you to give the summer hours?

Mr. STEWART. Seven and one quarter hours, I said.

Chairman WALSH. What time do they go to work?

Mr. STEWART. At 9.

Chairman WALSH. And have an hour for luncheon?

Mr. STEWART. And quit at 5.

Chairman WALSH. And on Saturday?

Mr. STEWART. On Saturdays heretofore we have been closing at 1. In July and August this year we intend to close all day on Saturday.

Chairman WALSH. Not open on Saturday at all?

Mr. STEWART. No, sir. That will be the case this summer.

Chairman WALSH. That is all, thank you. Call your next witness, Mr. Thompson.

I would like to recall Mr. Lynn for a few more questions.

TESTIMONY OF MR. P. P. LYNN—Recalled.

Commissioner O'CONNELL. You have a basement sales department?

Mr. LYNN. Yes, sir.

Commissioner O'CONNELL. What arrangements are there for sanitary conditions, the question of air, and that sort of thing, as compared to the clerks on the first and second floors?

Mr. LYNN. Ventilators and fans.

Commissioner O'CONNELL. Do you consider the basement dangerous to health?

Mr. LYNN. No, sir.

Commissioner O'CONNELL. More so than the other departments of the store?

Mr. LYNN. No, sir.

Commissioner O'CONNELL. Do you think the ventilation is as good and the light as good as on the other floors?

Mr. LYNN. The light is not as good; there is no daylight.

Commissioner O'CONNELL. You have artificial light?

Mr. LYNN. Artificial light; yes, sir.

Commissioner O'CONNELL. How about that beneficial society? That has been disbanded now, as I understood you to say?

Mr. LYNN. Yes, sir.

Commissioner O'CONNELL. What became of the funds that were in that organization?

Mr. LYNN. They were deposited in a trust company and turned over to the new organization when it was formed.

Commissioner O'CONNELL. It was when it was formed?

Mr. LYNN. Yes, sir.

Commissioner O'CONNELL. What was the amount of those funds, if you know?

Mr. LYNN. I think it was something like \$3,000 or \$4,000, if I remember correctly.

Chairman WALSH. You stated this morning that that beneficial society was ended by the passage of the workmen's compensation act in the State of New York?

Mr. LYNN. Yes, sir.

Chairman WALSH. Didn't you say that this morning?

Mr. LYNN. Yes, sir.

Chairman WALSH. Is it not a fact that there is a specific act passed by the legislature of New York forbidding department stores to collect moneys for such purposes?

Mr. LYNN. Yes, sir.

Chairman WALSH. That is a specific act?

Mr. LYNN. Yes, sir.

Chairman WALSH. And not connected with the workmen's compensation act?

Mr. LYNN. No, sir.

Chairman WALSH. Does the present relief association which you maintain have a constitution and by-laws?

Mr. LYNN. Yes, sir.

Chairman WALSH. Printed?

Mr. LYNN. Yes, sir.

Chairman WALSH. Will you kindly turn a copy of it over to the secretary?

Mr. LYNN. Yes, sir.

(A pamphlet entitled "Constitution and By-Laws of the Beneficial Association of the Employees of John Wanamaker, New York," was submitted in printed form.)

Chairman WALSH. Are there any further questions by anybody?

Commissioner LENNON. I would like to ask a question.

Mr. LYNN. I have not just caught how you fix the commissions. Let me state a case and see if this is the way: Say there are 20 people clerking or selling goods in the shoe department and their sales amount to \$1,000 a day. That means an average of \$50 apiece?

Mr. LYNN. Yes, sir.

Commissioner LENNON. Do you make a commission on that basis—is that the way you start to get the basis to fix the commission over \$50 apiece, and that they would get a commission? Do you base it on the profits of the organization?

Mr. LYNN. On the profits of the organization.

Commissioner LENNON. On the profits of the store?

Mr. LYNN. Yes, sir.

Commissioner LENNON. I wanted to understand.

Mr. LYNN. What we felt we can afford to pay for the selling of the shoes.

Commissioner LENNON. I understand. I do not want you to tell me anything about your private business. I don't want that.

Mr. LYNN. Yes, sir.

Commissioner LENNON. If people are being hired for employment in your store, do the parties who have charge of the hiring give any consideration to whether the applicant lives at home with the family or take care of themselves as to fixing their compensation?

Mr. LYNN. Well, I think it has some influence; yes, sir.

Commissioner LENNON. You think it has some influence?

Mr. LYNN. Yes, sir.

Commissioner LENNON. Would it have an influence to make their wages less or more?

Mr. LYNN. No, sir. I do not think it would have an influence in their salary. It would have an influence in getting the place. The applicant living at home would have the preference.

Commissioner LENNON. Yes. Because of custom?

Mr. LYNN. Yes, sir.

Commissioner LENNON. I can understand that.

Mr. LYNN. Yes, sir.

Commissioner LENNON. But would it have any influence as to fixing their compensation?

Mr. LYNN. No, sir.

Commissioner LENNON. Do you have in your store anything that might be considered to take the place of apprenticeship? That is, that an employee hired green would have to serve three months before they get what would be a normal wage for people in that department?

Mr. LYNN. No, sir; not exactly. The only thing that would come near to that would be what we call the short hours, say from 11 to 5. There are some women who have other duties in the morning at home, when they can do their housework in the morning before they leave and get back and do their housework at night; they can give us four or five hours; we start at \$7 and \$8 a week.

Commissioner LENNON. They are working less time?

Mr. LYNN. Yes, sir. That is the only—

Commissioner LENNON (interrupting)—(thing that seems to approach anything of that kind?

Mr. LYNN. Yes, sir. What we call a contingent force.

Commissioner LENNON. I asked this question because of the fact that it has come under my observation that there were department stores that hire people for \$2 or \$3 a week for a period of three months, and change their help every once in a while. It was not in New York, however. That is all.

Chairman WALSH. Have any commissioners any other questions?

Commissioner GARRETTSON. Mr. Lynn, you say that the fact that an applicant is living at home might cause in your system—while it would not cause any discrimination in wage it would in the matter of preference in hiring?

Mr. LYNN. Yes, sir.

Commissioner GARRETTSON. Does this question enter into that—if you built virtually an entire force composed of employees who live at home, do you feel in any degree that you are safer, first, from agitation on the part of a corps of employees who are in absolute need of every dollar, or, as a charge against public opinion if legislation on the subject of minimum wage were threatened? Is that a fact that enters into that in any degree?

Mr. LYNN. When I said it might have an influence, the only influence it might have it might influence me if I should do the hiring; I would figure they might be more desirable employees, because of the home surroundings, and everything of that kind they would be better.

Commissioner GARRETTSON. Would that work stronger than the knowledge that a wage earner dependent upon their wage for a living needed the service?

Mr. LYNN. No, sir.

Commissioner GARRETTSON. That is all I have.

Chairman WALSH. That is all. Thank you.

TESTIMONY OF MISS DOROTHY MILLER.

Mr. THOMPSON. What is your name, please?

Miss MILLER. Dorothy Miller.

Mr. THOMPSON. Where do you reside?

Miss MILLER. 34 Debevoise Street, Brooklyn.

Mr. THOMPSON. What is your present occupation?

Miss MILLER. Student.

Mr. THOMPSON. What?

Miss MILLER. Just a student.

Mr. THOMPSON. A student of what?

Miss MILLER. The Hunter College.

Mr. THOMPSON. That is a normal school, is it?

Miss MILLER. It is.

Mr. THOMPSON. How old are you?

Miss MILLER. Nineteen.

Mr. THOMPSON. Were you ever employed in the New York department stores?

Miss MILLER. I was.

Mr. THOMPSON. For how long and where?

Miss MILLER. I was employed for three successive summers in the Fourteenth Street store.

Mr. THOMPSON. In what?

Miss MILLER. In the Fourteenth Street store.

Mr. THOMPSON. What store was that?

Miss MILLER. Henry Siegel at the beginning, and then I was working for them the last summer when they went under Henry Siegel & Rotherberg.

Mr. THOMPSON. Have you worked in any other stores?

Miss MILLER. No, sir.

Mr. THOMPSON. Have you made a study of the conditions in any other stores?

Miss MILLER. No, sir.

Mr. THOMPSON. Have you made a study of conditions in any of the stores?

Miss MILLER. I have.

Mr. THOMPSON. Have you been meeting the working women in the stores?

Miss MILLER. I have been meeting them in the store while I have been working in the store. I have been meeting them outside of the store ever since I have not been working in the store.

Mr. THOMPSON. What do you know of your own knowledge regarding the wages, hours, and the general conditions in the department stores in this city?

Miss MILLER. Do you mean in the store I was working in or in the other stores?

Mr. THOMPSON. What you know of your own knowledge, either of the store you worked in or otherwise?

Miss MILLER. Well, in the store I was working in I received as my first wage \$5 a week as cashier. There were some of us that were getting \$6, and some \$7, but there were very, very few that went above \$7 as cashier. I found that among the saleswomen in that store they were not getting more than \$6 a week on an average at the time that I was working there, and during that time. And I have also found that most of the saleswomen that I have spoken to outside of the store and in other stores, that they also get \$6 and \$7 and \$8 a week. There are very few who get \$9, unless working on the commission basis, and even then there are not many of the sales clerks, unless they have been working for a very, very long time.

Mr. THOMPSON. Can you name any particular stores in which this is true?

Miss MILLER. The store in which I was working myself, the Fourteenth Street store, that was true. Some of the stores in Brooklyn at the present, Batterman's and the Berlin.

Mr. THOMPSON. The evidence to-day practically shows that at McCreery's the most of the women, the largest percentage of the women, receive over \$9.

Miss MILLER. You will notice I omitted McCreery's in my statement, and I really don't know about the conditions in McCreery's.

Mr. THOMPSON. How about Lord & Taylor?

Miss MILLER. Nor do I know about the conditions in Lord & Taylor.

Mr. THOMPSON. Generally, what store are you speaking of?

Miss MILLER. Of the stores that are downtown—the Fourteenth Street, Hearn's, Wanamaker's, right around there.

Mr. THOMPSON. The Brooklyn stores?

Miss MILLER. And the Brooklyn stores.

Mr. THOMPSON. How about the sanitary conditions in the stores that you know of?

Miss MILLER. The store I was working in the sanitary conditions were decent. The toilet rooms were well taken care of, and the only bad thing was the basement in which we often had to stay, in a basement in hot days, and the ventilation was very, very poor, so that often we would sit in our cash box and faint right away; and various parts of the store ventilation was poor, but otherwise the sanitary conditions on the whole were good.

Mr. THOMPSON. What happened to the girls when they fainted?

Miss MILLER. They were taken away, and as soon as they came to themselves, if they were absolutely unable to get up to their desk they were sent home, but if they felt better and wanted to return to their work they were sent back to their boxes.

Mr. THOMPSON. In speaking of the bad ventilation working in the basement, you are speaking of the Fourteenth Street store?

Miss MILLER. I am; because I was working only in that store.

Mr. THOMPSON. Is selling work carried on in the basement of the rest of the downtown stores?

Miss MILLER. Yes, sir.

Mr. THOMPSON. Where?

Miss MILLER. In Hearn's it is carried on; in Siegel & Cooper's it is carried on; in Brooklyn in almost every store they have a basement.

Mr. THOMPSON. Have you been in all those stores?

Miss MILLER. I have.

Mr. THOMPSON. What is the ventilation, if you know, in those stores?

MISS MILLER. Of course, there are no windows down there, very few at least, no air directly coming in. I don't know just how it is ventilated. All I do know is it is very poor ventilation.

MR. THOMPSON. How about the mutual benefit association in the Fourteenth Street store?

MISS MILLER. In the Fourteenth Street store there was no such thing as a voluntary mutual benefit association. It was compulsory. When I filled out the application blank I had to sign a statement that I would be a member of the mutual benefit association, and when the first month's pay came 15 cents was taken out of my salary. I was not told about it. I inquired, and because I was getting \$5 a week I only had to pay 15 cents—15 cents was taken out.

MR. THOMPSON. Were the officers of that mutual benefit association elected by the employees or the employers, if you know?

MISS MILLER. I can not make any positive statement in that regard, but, as far as I know, they were not elected by the employees.

MR. THOMPSON. Did you ever receive any benefit from it?

MISS MILLER. No, sir; I never did. I know one time I was—I had some injury happen and I ran upstairs to the room, but there was no doctor to be found. There was just a nurse, with a very few things around, so that I had to be sent home really; but I didn't receive any benefit.

MR. THOMPSON. Is that the store that went into the hands of the receiver and the benefit fund was absorbed by the failure?

MISS MILLER. It is.

MR. THOMPSON. Did the employees deposit in those stores, too?

MISS MILLER. They deposited in the bank at the store; yes.

MR. THOMPSON. Run by the store?

MISS MILLER. Yes.

MR. THOMPSON. What, if any, money have the depositors, the working people, got back from that, if you know?

MISS MILLER. I think they were treated just the same as the other depositors. There was absolutely no—they were not treated any different; just the way the other depositors were.

MR. THOMPSON. Do you know what per cent of money they got back?

MISS MILLER. I do not. I do know there was very little that they did get back.

MR. THOMPSON. What other statement would you like to make in reference to the down-town stores and Brooklyn stores in regard to wages and hours, and the general conditions?

MISS MILLER. I spoke about the wages, that they are very poor, that up to the time that I was working in the stores the hours were—well, we had to go in at 8; that is, the store opened at 8.30, but we had to be there at 8.15, and if we were later than 8.15 we were fined. Then the first bell rang at 6 o'clock. We were not allowed to leave the building until six bells rang, and the overtime work was often very heavy, particularly around the busy season of the year.

MR. THOMPSON. Do you know any stores in New York City now where this system of docking or fining exists?

MISS MILLER. No; I do not know. I think that has been done away with by the law.

MR. THOMPSON. I am speaking now of docking?

MISS MILLER. Just docking?

MR. THOMPSON. Yes.

MISS MILLER. I don't know of any store that docks now.

MR. THOMPSON. Do you know of any store that has a system of fines existing to-day for anything?

MISS MILLER. No; not now.

MR. THOMPSON. For tardiness?

MISS MILLER. No.

MR. THOMPSON. Do you know of any stores where the law limiting the hours of employment of women are violated?

MISS MILLER. Yes.

MR. THOMPSON. Where?

MISS MILLER. Well, they are violated in Rotherberg & Co. just at present.

MR. THOMPSON. I did not get the name?

MISS MILLER. Rotherberg; the new store that has opened.

MR. THOMPSON. What are they?

MISS MILLER. First of all, some women do not get an hour for lunch, as specified by the law. They get 30 minutes, and sometimes less in the busy time. And the stores in Brooklyn are also—in these stores the law is violated.

People have to work until half past 10 on Saturdays. They have to be in at 8.15 during the week. The stores uptown, like Baumann's and Koch's, also keep open until 10, and sometimes later, Saturday, and that is surely violating the 54-hour law. And stores like Wanamaker's make some of their employees come in at 5.30 in the morning in order to do overtime work.

Mr. THOMPSON. In regard to the keeping open of the stores, do you know in any of those stores where people actually work more than the limit set by law?

Miss MILLER. Yes; in the stores that I have mentioned. The people work there more than is set by law.

Mr. THOMPSON. I mean, the mere fact that the store keeps open until 10 o'clock would not prove that, for you know they might have relays of employees?

Miss MILLER. Well, I have been told by some of the heads of the places that if inspectors do come around, an inspector asks questions, why, the girls are forced to say they come in later than they really do, and that the truth of the matter is that they come into the store earlier and they leave later than they really tell that they do.

Mr. THOMPSON. The State law limiting the hours of labor for women provides for a three-quarter hour lunch period, doesn't it?

Miss MILLER. I think it is an hour.

Mr. THOMPSON. You are not sure?

Miss MILLER. I am sure it is an hour. The law has just been passed, that the employees are supposed to get an hour for luncheon.

Mr. THOMPSON. What do you mean by saying you have to remain until six bells rang?

Miss MILLER. Well, we had—the first bell rang just about 6 o'clock.

Commissioner LENNON. Yes.

Miss MILLER. And then there were five bells that rang successively after that time.

Commissioner LENNON. How far apart?

Miss MILLER. Well, I know we very seldom got out—that is, were able to go downstairs to get our clothing—before 10 minutes past 6.

Commissioner LENNON. That is all.

TESTIMONY OF MISS JEANNETTE SMITH.

Mr. THOMPSON. Miss Smith, will you give us your name and address?

Miss SMITH. Jeannette Smith, 186 East Seventy-first Street.

Mr. THOMPSON. And are you at present employed?

Miss SMITH. No, sir; I am not; I am doing a little odds and ends, but not employed steadily.

Mr. THOMPSON. Did you work for Wanamaker's store here in New York?

Miss SMITH. Yes; I did.

Mr. THOMPSON. How long did you work for them; how many years?

Miss SMITH. Well, 17 years lacking 4 months. I went there on April 5 and I was suspended on December 24.

Mr. THOMPSON. What wage did you receive when you commenced work?

Miss SMITH. Eight dollars a week.

Mr. THOMPSON. And what were you receiving after the 17 years' work?

Miss SMITH. Ten dollars.

Mr. THOMPSON. Ten dollars?

Miss SMITH. Yes. [Laughter in the audience.]

Mr. THOMPSON. Did you get any bonus?

Miss SMITH. No; not 1 penny.

Mr. THOMPSON. When did you leave Wanamaker's?

Miss SMITH. December 24, 1913, last year.

Mr. THOMPSON. Did you leave voluntarily, or were you discharged?

Miss SMITH. I was discharged.

Mr. THOMPSON. What was the first knowledge you had that you were to be discharged?

Miss SMITH. Well, about five minutes before the bell rang, the gentleman came up to the counter and called my name out and asked me to sign a slip, said he was very sorry he had to do it. I said, "Very well, I will sign it." I knew what it meant. Another gentleman handed me—asked me for my stamp that we stamp vouchers with, and handed me 20 cents.

Mr. THOMPSON. And you were discharged?

Miss SMITH. I was discharged.

Mr. THOMPSON. That was just before Christmas eve, was it?

Miss SMITH. Yes, sir; a Christmas present I got.

Mr. THOMPSON. And you had been working there practically 17 years?

Miss SMITH. Practically 17 years, lacking 4 months.

Mr. THOMPSON. Was any fault ever found with your work?

Miss SMITH. No, sir; none that I know of.

Mr. THOMPSON. Was any statement made that your work was satisfactory?

Miss SMITH. That it was unsatisfactory?

Mr. THOMPSON. No; that it was satisfactory?

Miss SMITH. Why, every one spoke well of me. I never caused any trouble; in fact, I was never late but twice, and my record was clean. As far as lateness was concerned, I was only late twice in that 17 years, and that was owing to a snowstorm.

Mr. THOMPSON. Were you well or ill at the time you were discharged?

Miss SMITH. I was ill, going under hospital treatment. The house was very kind to let me get off to go to the hospital one and two afternoons in the week during my illness.

Commissioner GARRETSON. Miss Smith, was the man who gave you the notice of your discharge the regular employment manager of the Wampanoag Co.?

Miss SMITH. No, sir, he was not, he was one of the aisle men.

Commissioner GARRETSON. One of what?

Miss SMITH. One of the aisle men. The floorwalkers, they call them in the other stores; we call them aisle men.

Commissioner GARRETSON. Did you make an appeal to the employment manager?

Miss SMITH. I did.

Commissioner GARRETSON. Did you get any hearing?

Miss SMITH. I met Mr. Lynn to find out why I was suspended, because it was very strange, if I applied for any position after so many years of faithful service without a reason, they would think there was something wrong, but I was told to come in again. I went in twice and tried to interview him, and even wrote a letter and received an answer saying that they could not create a place for me. I have never been in the store and never had any correspondence since. I thought—well, I thought there was only one Creator; I did not know there was anyone else could create employment for me. That was all the answer I got.

Commissioner GARRETSON. Then, the employees discharged do not have ready access —

Miss SMITH (interrupting). Some do.

Commissioner GARRETSON. To the employment manager? At least, you did not?

Miss SMITH. Well, Mr. Lynn was ill at the time—the first time I went in—and he told me to come in and he would see me later. I went in the second time, and he was going away. I believe he was in a hurry to make a train. He referred me to Mr. Gallopp, who hires the people, and he said to me to go and see Mr. Gallopp.

Commissioner GARRETSON. Is Mr. Gallopp the employment manager?

Miss SMITH. Well, he hires the people there in the store.

Commissioner GARRETSON. And discharges them?

Miss SMITH. I suppose; I don't know whether I could go that far or not. But I went to him, and he said, well, that Mr. Lynn gave orders not to spend any money while he was away; that was the answer he gave. But I thought that was strange, because Mr. Lynn was always very nice, and I thought he was going to give me a position again. I thought he would. That was the answer I got. Then I appealed later by letter.

Commissioner GARRETSON. To Mr. Lynn?

Miss SMITH. Yes; but Mr. Gallopp's name was signed to it. Mr. Gallopp's name was signed, but I think Mr. Lynn was the one sent the letter, and he said he could not create a position for me. And after spending so many years there I felt strange about going to another store.

Commissioner GARRETSON. Do you feel that the right of appeal as extant in that store is a very valuable asset for the employee?

Miss SMITH. It was not for me.

Commissioner LENNON. Do you belong to the beneficial society that existed in that store?

Miss SMITH. Yes, sir; I did.

Commissioner LENNON. Is there any age limit at which annuities are paid to the members of that society?

Miss SMITH. Not that I am aware of.

Chairman WALSH. That is the beneficial society that has been abolished?

Miss SMITH. Yes; it has been abolished, I think, since I left there.

Chairman WALSH. How much did you pay into it?

Miss SMITH. Twenty-five cents a month, unless there was a death; then we were assessed.

Chairman WALSH. During the entire time?

Miss SMITH. Yes, sir.

Chairman WALSH. When there was a death you were assessed especially for that?

Miss SMITH. Yes; sometimes 10 cents extra.

Chairman WALSH. Ten cents extra?

Miss SMITH. Ten cents extra.

Chairman WALSH. Well, say, during the five years prior to your leaving the place there, what was the general custom with reference to the discharges? Who made the discharges?

Miss SMITH. Well, that would be a rather difficult thing for me to answer, because it never applied to me, and I never really bothered my head about it.

Chairman WALSH. You did not notice how the others were employed?

Miss SMITH. Well, I knew they received a notice, but it would be sometimes during the week or around their pay day, they would be notified.

Chairman WALSH. I take it that you do not have sufficient knowledge with respect to that to tell us what the custom may or may not have been?

Miss SMITH. No; I could not give a definite answer to that. I would not, perhaps, be telling the right thing, and I would not like to say. I know that while in the store I received benefits from the beneficial fund. I had been ill, and I did receive attendance and my beneficial money when I was able to return to work.

Chairman WALSH. You heard Mr. Lynn testify here to-day?

Miss SMITH. No; I was not here. I only came at half past 2.

Chairman WALSH. Was there any other statement you wished to make to the commission voluntarily, or anything, you wish to say to add to what you have already said?

Miss SMITH. No; there is nothing else.

Chairman WALSH. That is all, then, for you.

Call your next witness.

TESTIMONY OF MR. HIRAM C. BLOOMINGDALE.

Mr. THOMPSON. Give us your name.

Mr. BLOOMINGDALE. Hiram C. Bloomingdale.

Mr. THOMPSON. And your address.

Mr. BLOOMINGDALE. 11 East Eightieth.

Mr. THOMPSON. And your business.

Mr. BLOOMINGDALE. Member of the firm of Bloomingdale Bros.

Mr. THOMPSON. Where is the business located?

Mr. BLOOMINGDALE. Fifty-ninth Street.

Mr. THOMPSON. In New York City?

Mr. BLOOMINGDALE. Yes, sir.

Mr. THOMPSON. How many employees has your firm?

Mr. BLOOMINGDALE. One thousand six hundred and three.

Mr. THOMPSON. How many of those employees, counting both male and female, are under the age of 16?

Mr. BLOOMINGDALE. Well, I haven't got that down; but there are very few, because none of our employees at the present time will be under 16 in November.

Mr. THOMPSON. None of them?

Mr. BLOOMINGDALE. No.

Mr. THOMPSON. About how many of them do you think you have?

Mr. BLOOMINGDALE. I haven't the least idea.

Mr. THOMPSON. What hour does your store open to the public?

Mr. BLOOMINGDALE. Eight thirty.

Mr. THOMPSON. What hour does it open to the public in the wintertime?

Mr. BLOOMINGDALE. Same.

Mr. THOMPSON. What hour does it close to the public?

Mr. BLOOMINGDALE. Six o'clock.

Mr. THOMPSON. What hour does it close to the public in the wintertime?

Mr. BLOOMINGDALE. Six o'clock.

Mr. THOMPSON. Are your clerks required to be at the store previous to the opening?

Mr. BLOOMINGDALE. Only to get in their positions.

Mr. THOMPSON. How long previous to the opening of the store are they required to be there?

Mr. BLOOMINGDALE. No time is required; just that they be there at 8.30.

Mr. THOMPSON. At their assigned places?

Mr. BLOOMINGDALE. At their departments; yes.

Mr. THOMPSON. Are the hours for your employees the same hours summer and winter that the store opens and closes?

Mr. BLOOMINGDALE. I don't know—

Mr. THOMPSON. I mean, you open at 8.30 and close at 6?

Mr. BLOOMINGDALE. Yes, sir.

Mr. THOMPSON. And those that come there at 8.30 stay there until 6 o'clock, with time off for lunch?

Mr. BLOOMINGDALE. Time off for lunch, excepting we give a half holiday in the summer, but we don't close the store.

Mr. THOMPSON. On Saturday?

Mr. BLOOMINGDALE. No; not on Saturday; but one day during the week.

Mr. THOMPSON. One day during the week?

Mr. BLOOMINGDALE. Yes, sir.

Mr. THOMPSON. But you keep the store open?

Mr. BLOOMINGDALE. Yes, sir.

Mr. THOMPSON. Have you any fines for tardiness?

Mr. BLOOMINGDALE. We do not fine anybody that is not an hour late throughout the week, and if it should amount to 10 cents or more we charge them. In other words, if they should be late throughout the week less than 60 minutes there would be no charge.

Mr. THOMPSON. If they came each day, say, five minutes tardy, it would not amount to 60 minutes?

Mr. BLOOMINGDALE. No; it would not amount to more than an hour.

Mr. THOMPSON. Then, if it amounts to an hour you fine them 10 cents for the week?

Mr. BLOOMINGDALE. I don't call that a fine.

Mr. THOMPSON. Or at least you deduct it from their pay?

Mr. BLOOMINGDALE. Yes.

Mr. THOMPSON. Is that the total, or do you base it upon the deduction of wages from their pay, or how?

Mr. BLOOMINGDALE. We deduct it upon the pro rata of the salary of the person.

Mr. THOMPSON. Well, is 10 cents the largest amount or the smallest amount you charge?

Mr. BLOOMINGDALE. It is the smallest amount we charge; if it is less than 10 cents we would not charge it.

Mr. THOMPSON. In case of an employee, where his wages are higher, and it is a quarter, you dock him a quarter?

Mr. BLOOMINGDALE. Yes; so I understand, though I am not—

Mr. THOMPSON (interrupting). Or a dollar, if it happens to be a dollar?

Mr. BLOOMINGDALE. I believe so.

Mr. THOMPSON. Does that apply to all your employees?

Mr. BLOOMINGDALE. All, except, perhaps, the buyers.

Mr. THOMPSON. Do you require overtime in your store? If so, in what departments, and when?

Mr. BLOOMINGDALE. Well, it is so rare in the selling force that I can say no; in other words, I know of just two occasions in a year outside of Christmas, of course.

Mr. THOMPSON. What time is that? You say two times in a year outside of Christmas?

Mr. BLOOMINGDALE. Yes; two different departments twice a year—the semi-annual sale. They get ready for the next day's sale, and that happens only in two departments that I know of twice a year.

Mr. THOMPSON. Does that overtime work include the women?

Mr. BLOOMINGDALE. Yes; it does. They are allowed that much in the succeeding week. They are allowed to come in late.

Mr. THOMPSON. In other words, there is an offset?

Mr. BLOOMINGDALE. And that always happens—

Mr. THOMPSON (interrupting). Are they given notice in advance that this overtime is expected of them?

Mr. BLOOMINGDALE. I could not answer that; they know these sales are coming on; I suppose they know it, without even being told; although I didn't know that.

Mr. THOMPSON. Do you pay for overtime, and if so, at what rate?

Mr. BLOOMINGDALE. We pay for overtime at Christmas, at the rate of a half day, although it is only about three hours extra work, I believe it was figured at. We pay for a half a day extra.

Mr. THOMPSON. During these other times, these twice a year, do you pay them for overtime or not?

Mr. BLOOMINGDALE. I can not answer that; I don't know.

Mr. THOMPSON. In regard to Saturday half holidays, how many of those in the year—

Mr. BLOOMINGDALE. No Saturdays, but—

Mr. THOMPSON. I know; but do you give them a half holiday during the summer months?

Mr. BLOOMINGDALE. Yes.

Mr. THOMPSON. What months are those when you give half holidays?

Mr. BLOOMINGDALE. That is June and July, I suppose [referring to memorandum]; no; July and August.

Mr. THOMPSON. It does not include the month of June?

Mr. BLOOMINGDALE. No; July and August.

Mr. THOMPSON. And no part of September?

Mr. BLOOMINGDALE. No.

Mr. THOMPSON. Do you ever require your employees to work on holidays or on Sundays?

Mr. BLOOMINGDALE. I don't think so; I can not answer that positively; I don't think so.

Mr. THOMPSON. Well, if you did would you know it?

Mr. BLOOMINGDALE. I think I would know it; but I would not be sure of it.

Mr. THOMPSON. You think if work was carried on in your store on Sundays or holidays—

Mr. BLOOMINGDALE. Oh, as a general proposition, I know that positively it is not. I thought you meant just occasionally; once a year, or something like that.

Mr. THOMPSON. I mean once a year or any time in any of the departments?

Mr. BLOOMINGDALE. Not that I know of.

Mr. THOMPSON. Do the buyers in your establishment have the power of causing the dismissal of sales people?

Mr. BLOOMINGDALE. Not directly, but indirectly.

Mr. THOMPSON. What appeal do the sales people have in case of dismissal? Is dismissal suggested by the buyer?

Mr. BLOOMINGDALE. It is a natural form of committee; none that we made ourselves, but every employee has the right to go to the one higher up, and there are three or four grades, you might say. There will be the buyer, or floor manager, or assistant superintendent, or superintendent, or head of stock. They can appeal to any of those, and then they can come to me direct.

Mr. THOMPSON. You give the employees of your store a vacation?

Mr. BLOOMINGDALE. We do.

Mr. THOMPSON. With pay or without pay?

Mr. BLOOMINGDALE. With pay; and we also have established a summer cottage in Far Rockaway, where they are transported free and entertained free, and their board and lodging is also free.

Mr. THOMPSON. Is this vacation—how long is it, and to what employees is it given?

Mr. BLOOMINGDALE. For the women employees—those that are there for a year or more; but that is not very strict. I mean by that that a person that is there 11 months would have that privilege, too.

Mr. THOMPSON. How long is the vacation?

Mr. BLOOMINGDALE. A week.

Mr. THOMPSON. You have an insurance department in your business—

Mr. BLOOMINGDALE (interrupting). You mean the mutual aid?

Mr. THOMPSON. Yes; the mutual aid.

Mr. BLOOMINGDALE. We have.

Mr. THOMPSON. Is that run by the people or by the firm?

Mr. BLOOMINGDALE. By the people.

Mr. THOMPSON. They elect the officers?

Mr. BLOOMINGDALE. They elect the officers.

Mr. THOMPSON. And have charge of the fund?

Mr. BLOOMINGDALE. They have charge of the fund, I believe; I don't know much about this, because I have not had anything to do with that thing, excepting I know that we have three funds there that were given by my father and my uncle and an aunt of mine, accumulated some money; and these are used for different purposes not regularly used in the mutual aid. In other words, if a person has—if anybody in the family is sick, this fund takes care of that; or if they should be in debt, and they want to borrow some money, that is loaned to them; or if they need some money and they do not see their way clear about paying it back, that is also used for that purpose.

Mr. THOMPSON. With reference to the mutual aid society, do the contributors to that society have regular meetings to transact the business?

Mr. BLOOMINGDALE. They do. I have never been to any of those meetings.

Mr. THOMPSON. How often do they have meetings, if you know?

Mr. BLOOMINGDALE. I don't know; I think it is all printed in a book that I could give you.

Mr. THOMPSON. Will you give us that book?

Mr. BLOOMINGDALE. I will get it for you.

(A pamphlet entitled "Constitution and By-laws of Bloomingdale Bros. Employees' Mutual Aid Society" was later submitted in printed form.)

Mr. THOMPSON. As far as you know, what is in the book is lived up to?

Mr. BLOOMINGDALE. Oh, yes.

Mr. THOMPSON. What is the basis upon which wages are reckoned in your firm? Do they have a set wage or commission or how?

Mr. BLOOMINGDALE. They have not set wage—there is no set wage that I know of.

Mr. THOMPSON. How do the people get compensation?

Mr. BLOOMINGDALE. Oh, yes; they are engaged at a certain salary per week.

Mr. THOMPSON. The sales people?

Mr. BLOOMINGDALE. Yes; everybody in the store.

Mr. THOMPSON. Are the sales people allowed any commission in addition?

Mr. BLOOMINGDALE. Very little.

Mr. THOMPSON. What little are they allowed, and how is it allowed?

Mr. BLOOMINGDALE. Well, what we call "p. m.'s"; that is to say, goods—sometimes of our own manufacture—that we want to push; we allow them a certain amount for selling them, and things like that. We have competition in the departments. The department, for instance, that sells more in percentage over another, we give—we divide up a certain amount of money to the salesmen and clerks.

Mr. THOMPSON. How many of your sales people—saleswomen—receive under \$9 per week?

Mr. BLOOMINGDALE. We have 118 that receive \$9 or more. Oh, you said under.

Mr. THOMPSON. Yes; how many receive less than \$9?

Mr. BLOOMINGDALE. Well, I have got this all down here, if you want the statement—

Mr. THOMPSON (interrupting). If you have some statements there read them right along—on the wage proposition.

Mr. BLOOMINGDALE. We have no records of those, so we could not answer some of these questions.

Mr. THOMPSON. You mean the question of how many are over 16—

Mr. BLOOMINGDALE. We could over 16, because virtually all of them are over 16. The wages that the women—the minimum wages for women under 16 is \$4. These are girls—juniors.

Mr. THOMPSON. How many of the saleswomen engaged in selling in your store receive less than \$9 a week? That is the very first question that you have there. How many sales ladies have you got altogether?

Mr. BLOOMINGDALE. Three hundred and sixty-eight.

Mr. THOMPSON. If there are 368 and 118 receive more than \$9, then the difference would receive less than \$9? Wouldn't that be true?

Mr. BLOOMINGDALE. Yes, sir; I am trying to find it—205 over 16 receive less than \$9.

Mr. THOMPSON. What is the lowest wage? How many receive less than \$8 a week?

Mr. BLOOMINGDALE. Two hundred and eight.

Mr. THOMPSON. What is the minimum wage for women over 16 years of age?

Mr. BLOOMINGDALE. We have a minimum wage for saleswomen of \$6; that is the lowest.

Mr. THOMPSON. How many saleswomen over 18, or over 16—I mean that have had three years' experience that earn less than \$9 a week?

Mr. BLOOMINGDALE. Nineteen; they might be young girls, too. It may be that they were hired at 15, or 14 even, two or three years ago.

Mr. THOMPSON. You have a public-school continuation in your store, have you not?

Mr. BLOOMINGDALE. We have, yes.

Mr. THOMPSON. Is that limited to children under 16, or does it include all ages?

Mr. BLOOMINGDALE. I don't know; Mrs. Wilcox could tell you more about that. It was created while I was away, and I never have gone into the thing. It looked good, and I let it alone.

Mr. THOMPSON. Take the clerical force; how many women in the clerical force over 16 earn less than \$9 a week?

Mr. BLOOMINGDALE. I don't know—how many women are—

Mr. THOMPSON (interrupting). In the clerical force that earn more than \$9 a week and how many earn less than \$9 a week?

Mr. BLOOMINGDALE. Thirty earn less than \$9 a week, and less than \$8 we have 8.

Mr. THOMPSON. Thirty less than \$9 and 8 less than \$8?

Mr. BLOOMINGDALE. Yes, sir.

Mr. THOMPSON. How many more than \$9?

Mr. BLOOMINGDALE. I don't see where that is on this memorandum.

Mr. THOMPSON. Well, all right; never mind if you don't find the question there. How many wagon boys are employed in your store?

Mr. BLOOMINGDALE. Sixty-four.

Mr. THOMPSON. What proportion of the boys receive a wage of less than \$8 a week?

Mr. BLOOMINGDALE. Fifty-seven of them.

Mr. THOMPSON. What is the minimum wage for the boys and what are their hours?

Mr. BLOOMINGDALE. I think the minimum wage is \$7.

Mr. THOMPSON. Seven dollars?

Mr. BLOOMINGDALE. I think so.

Mr. THOMPSON. Aren't you sure that it is?

Mr. BLOOMINGDALE. No; I am not.

Mr. THOMPSON. What are their hours?

Mr. BLOOMINGDALE. Unless you asked here—

Mr. THOMPSON. It is not asked there.

Mr. BLOOMINGDALE. Well, then, I would not know. I think it is \$7.

Mr. THOMPSON. Now, what are their hours?

Mr. BLOOMINGDALE. That I don't know either.

Mr. THOMPSON. How many women are cashiers and tube girls?

Mr. BLOOMINGDALE. Thirty-six cashiers and 6 tube girls.

Mr. THOMPSON. How many of the cashiers earn less than \$9 a week?

Mr. BLOOMINGDALE. Thirty.

Mr. THOMPSON. Less than \$8 a week?

Mr. BLOOMINGDALE. Eight.

Mr. THOMPSON. Eight of them?

Mr. BLOOMINGDALE. Yes, sir.

Mr. THOMPSON. Is there a minimum wage for women in your store?

Mr. BLOOMINGDALE. No.

Mr. THOMPSON. When the employees of your store have grievances, if they either claim they have been improperly discharged by a floorwalker or department manager, or that a floorwalker or department manager has illtreated them, or any other complaint, how is that received and who decides it in the store?

Mr. BLOOMINGDALE. Well, as I said before, it is a natural combination they could go to. If the floor manager did not treat them, as they thought, correctly, they could go to the buyer or they could go to the superintendent or to the assistant superintendent or to myself.

Mr. THOMPSON. But you have no regular department for hearing their grievances?

Mr. BLOOMINGDALE. No; they all know that, more or less; and it has happened at times that a buyer can not tolerate a sales clerk, and the superintendent will just shift her from one place to another.

Mr. THOMPSON. What is the attitude of your firm toward the unionization of its employees?

Mr. BLOOMINGDALE. Well, we never took that up very seriously; they had a few meetings in front of the store, and, so far as I know, none of the employees joined or entered into it, and so it seemed to be dropped.

Mr. THOMPSON. Assuming that, as a test question, suppose, an employee of your store undertook to unionize the employees, would you object to it?

Mr. BLOOMINGDALE. I don't know as I—I would not like it.

Mr. THOMPSON. Do you discriminate against union people that are in your store?

Mr. BLOOMINGDALE. We haven't so far.

Mr. THOMPSON. Have you any in there?

Mr. BLOOMINGDALE. That I don't know.

Mr. THOMPSON. In regard to the sanitary conditions, have you a basement there?

Mr. BLOOMINGDALE. We have.

Mr. THOMPSON. Sales go on in it?

Mr. BLOOMINGDALE. They do.

Mr. THOMPSON. What method of ventilation do you employ?

Mr. BLOOMINGDALE. Well, I don't know, there are small windows on all three sides, and there have been some examinations by some of the public officers, I don't know whether it is a factory inspector or some other inspectors, time and again.

Mr. THOMPSON. How about the toilet rooms for men and women?

Mr. BLOOMINGDALE. Some are down there.

Mr. THOMPSON. Well, throughout the building or throughout the store, what are the conditions?

Mr. BLOOMINGDALE. I think they are all right, or else we would change them.

Mr. THOMPSON. Has there been any complaint of those conditions?

Mr. BLOOMINGDALE. There has been, and inspectors have come up and found these complaints were unfounded.

Mr. THOMPSON. That is all.

Chairman WALSH. What is your position with that store, Mr. Bloomingdale?

Mr. BLOOMINGDALE. I am one of the members of the firm.

Chairman WALSH. Is it a corporation?

Mr. BLOOMINGDALE. No, sir; a private firm.

Chairman WALSH. A partnership?

Mr. BLOOMINGDALE. A partnership.

Chairman WALSH. Now, do you know who goes to the continuation school—what employees go to your continuation school?

Mr. BLOOMINGDALE. I know there are about 20 young girls.

Chairman WALSH. Is that continuation school under the department of public education?

Mr. BLOOMINGDALE. It is.

Chairman WALSH. Do you pay any part of the expenses of the school?

Mr. BLOOMINGDALE. I don't know. I don't think so.

Chairman WALSH. Well, who would know that?

Mr. BLOOMINGDALE. Mrs. Wilcox would know it.

Chairman WALSH. Would anybody connected with your firm know it?

Mr. BLOOMINGDALE. I could find that out, if you want to know.

Chairman WALSH. What part do you take in the management of the store, please?

Mr. BLOOMINGDALE. The advertising and merchandising.

Chairman WALSH. Who has the direct charge of the employees, of the salaries to be paid, and the matter of discharging?

Mr. BLOOMINGDALE. The superintendent.

Chairman WALSH. Is he here?

Mr. BLOOMINGDALE. He is not.

Chairman WALSH. Would you mind letting me see that list of questions which you have there, with the entries on it?

(Here the witness presented the paper to the chairman.)

Chairman WALSH. Do you want to ask any questions, Mr. Garretson?

Commissioner GARRETSON. Following that matter a little further, Mr. Bloomingdale, do you only receive a profit, or are you paid a salary in addition as manager?

Mr. BLOOMINGDALE. A share of the profits only.

Commissioner GARRETSON. Only, and you are not under a salary?

Mr. BLOOMINGDALE. No, sir.

Commissioner GARRETSON. You are in the store every day and reasonably conversant with the conditions that exist there?

Mr. BLOOMINGDALE. I am.

Commissioner GARRETSON. And with the methods that are employed?

Mr. BLOOMINGDALE. Yes, sir.

Commissioner GARRETSON. You said a little while ago that when an employee was late for a period during the week that cumulatively equaled one hour, that the amount was taken from the amount paid him; but you did not call it a fine?

Mr. BLOOMINGDALE. No.

Commissioner GARRETSON. What do you call it?

Mr. BLOOMINGDALE. Well, they are paid for a certain amount of time that they work for us, and if they don't work for us that time, I don't think they should be paid for it; that is the way I look at it.

Commissioner GARRETSON. What do you call it, if you don't call it a fine?

Mr. BLOOMINGDALE. I don't know what you would call it.

Commissioner GARRETSON. Does the law of the State of New York prohibit fining in department stores?

Mr. BLOOMINGDALE. I don't know.

Commissioner GARRETSON. What is the condition of the ventilation in your building throughout?

Mr. BLOOMINGDALE. As I said before, they have been tested and found correct.

Commissioner GARRETSON. No windows in the basement department?

Mr. BLOOMINGDALE. Yes; there are small windows all the way around.

Commissioner GARRETSON. There are in the house furnishing department?

Mr. BLOOMINGDALE. In the house furnishing department.

Commissioner GARRETSON. What kind of a wall is there between the boiler room and the sales department?

Mr. BLOOMINGDALE. A brick wall.

Commissioner GARRETSON. A brick wall?

Mr. BLOOMINGDALE. Yes, sir.

Commissioner GARRETSON. You say that regular meetings take place of the members of the mutual benefit department or whatever name you call it?

Mr. BLOOMINGDALE. Yes, sir.

Commissioner GARRETSON. Are those meetings held at a time and place and with proper notice, where all employees can attend without difficulty?

Mr. BLOOMINGDALE. I don't think the main body of the employees attend.

Commissioner GARRETSON. It is really administered by a few?

Mr. BLOOMINGDALE. I think that years ago we did that and it was not a success; and not very many people attended.

Commissioner GARRETSON. Are financial statements issued to all members of the mutual benefit department regularly?

Mr. BLOOMINGDALE. I don't know.

Commissioner GARRETSON. Are they ever issued?

Mr. BLOOMINGDALE. I don't know.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WAUGH. That is all, thank you, Mr. Bloomingdale.

Call your next.

Mr. THOMPSON. I will call Mr. Gimbel.

TESTIMONY OF MR. JACOB GIMBEL.

Mr. THOMPSON. Will you give us your name?

Mr. GIMBEL. Jacob Gimbel.

Mr. THOMPSON. And your address?

Mr. GIMBEL. Philadelphia.

Mr. THOMPSON. And your business?

Mr. GIMBEL. Merchant.

Mr. THOMPSON. Are you a partner in the firm of Gimbel Bros.?

Mr. GIMBEL. I am an officer in the corporation.

Mr. THOMPSON. A stockholder in the corporation?

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Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. How many stores are there in New York owned by this corporation?

Mr. GIMBEL. Only one at the present time.

Mr. THOMPSON. Mr. Gimbel, what hour are employees in the store in New York required to report for work in the morning?

Mr. GIMBEL. Eight-thirty.

Mr. THOMPSON. When does the store open?

Mr. GIMBEL. At about that time—8:30.

Mr. THOMPSON. In other words, they are not required to report earlier than 8:30 in the morning?

Mr. GIMBEL. Well, there are part of them that report a few minutes earlier, probably 10 or 15 minutes earlier.

Mr. THOMPSON. Well, is there a rule or requirement of the firm in that regard?

Mr. GIMBEL. Yes, sir; there is a shifting; they are allowed off earlier in the evening, and then that is changed about from time to time.

Mr. THOMPSON. What time does the store close?

Mr. GIMBEL. Five-thirty.

Mr. THOMPSON. For the day?

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. The store closes the same time in summer and winter?

Mr. GIMBEL. No, sir; in winter it is 6 o'clock and during July and August it is 5:30, excepting on Saturdays, it is 12:30.

Mr. THOMPSON. At what hours may the employees leave the outer door of the establishment when you close at night?

Mr. GIMBEL. As soon as they can after the closing hours; as soon as they can get out.

Mr. THOMPSON. Well, now, you spoke of certain employees who came earlier a few minutes?

Mr. GIMBEL. Well, they are not detained after the closing hour.

Mr. THOMPSON. Well, I mean—some employees, you say, come earlier than 8:30?

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. You said the time was adjusted by letting them go earlier?

Mr. GIMBEL. Go earlier; yes, sir.

Mr. THOMPSON. Is the adjustment so that they work the same length of hours as the others?

Mr. GIMBEL. Adjusted in a way that is equitable, so that they all have a turn at it.

Mr. GIMBEL. How much time do you allow the people for their lunch; how much time?

Mr. GIMBEL. I think it is an hour; I am not sure about that; I think it is an hour.

Mr. THOMPSON. Is there overtime? Do the people have to work overtime? Do the people have to work overtime in your store?

Mr. GIMBEL. Well, that is the exception, and it is not compulsory. They are asked to do this.

Mr. THOMPSON. Well, how often in the year are they asked to work overtime, if you know?

Mr. GIMBEL. Well, I would rather you put the question, how few times.

Mr. THOMPSON. Well, put it that way; how few times—

Mr. GIMBEL. (interrupting). Well, it is very seldom.

Mr. THOMPSON. Well, now, what do you mean by "very seldom"?

Mr. GIMBEL. Well, probably five or six times in a year.

Mr. THOMPSON. And is that just for a day or several days at a time?

Mr. GIMBEL. Why, there is no regular succession in that respect.

Mr. THOMPSON. You are unable to state now?

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. Do you allow them pay for overtime?

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. What is the pay for overtime?

Mr. GIMBEL. The pay is something like 35 cents for an hour and a half.

Mr. THOMPSON. Thirty-five cents is the supper money, is it not?

Mr. GIMBEL. Yes, sir; or pay.

Mr. THOMPSON. Or pay?

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. If they work for two hours would the 35 cents be added? Suppose they work two hours overtime?

Mr. GIMBEL. I am not bright as to that. I think it is 35 cents for an hour and a half, because that is as far as I am informed.

Mr. THOMPSON. If it is, you don't know?

Mr. GIMBEL. I don't know.

Mr. THOMPSON. How many saleswomen have you got, if you know, in round numbers?

Mr. GIMBEL. If you will allow me, I will refresh my memory. One thousand two hundred and ninety-four was the last census. That is very recent.

Mr. THOMPSON. One thousand two hundred and ninety-four saleswomen?

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. What proportion of the saleswomen receive more than \$9 a week?

Mr. GIMBEL. How many?

Mr. THOMPSON. How many.

Mr. GIMBEL. More than \$9?

Mr. THOMPSON. Yes. More than \$9. That is the first question.

Mr. GIMBEL. How many women over 18 earn less than \$9? How many earn less than \$8? How many women over 18 of three years' experience as saleslady are still earning less than \$9, counting commissions? That is the form of a question.

Mr. THOMPSON. Answer those questions please.

Mr. GIMBEL. How many over 18 earn less than \$9? Two hundred and thirty-seven.

How many earn less than \$8? One hundred and fifty.

Are there many women of three years' experience over 18, as salesladies still earning less than \$9, including commissions? Women do not earn commissions with us.

In answer to that question let me say we are a concern of a little over three years' existence in New York, and that question is founded on three years' experience. Perhaps you will bear with me in the statement that the first part of our existence, perhaps a year or more, was one of readjustment as regards the organization. So it is hardly a fair test to put that three years' experience in our case. We have not had three years of uninterrupted experience.

Mr. THOMPSON. That is all right.

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. Taking the clerical force?

Mr. GIMBEL. I beg your pardon.

Mr. THOMPSON. Taking the clerical force, how many women over 18 earn more than \$9 a week?

Mr. GIMBEL. Sixty-six.

Mr. THOMPSON. How many earn less?

Mr. GIMBEL. Thirty-five.

Mr. THOMPSON. How many?

Mr. GIMBEL. Thirty-five.

Mr. THOMPSON. How many salesmen earn over \$14 a week?

Mr. GIMBEL. Two hundred and two.

Mr. THOMPSON. And in the clerical force, how many men earn more than \$14?

Mr. GIMBEL. Forty-eight.

Mr. THOMPSON. In what departments are the largest number of boys under 18 and girls under 16?

Mr. GIMBEL. The largest number of boys under 18 are messengers, belong to the messenger force, and girls is the same classification.

Mr. THOMPSON. How many girls have you got under 16 years of age, if you know?

Mr. GIMBEL. Under what, excuse me?

Mr. THOMPSON. Yes.

Mr. GIMBEL. We have not any under 16.

Mr. THOMPSON. You haven't any?

Mr. GIMBEL. We haven't any under 16.

Mr. THOMPSON. How many wagon boys are employed in your firm?

Mr. GIMBEL. Ninety-nine.

Mr. THOMPSON. How many of them receive a wage of less than \$8 a week?

Mr. GIMBEL. Sixty per cent.

Mr. THOMPSON. How many cashiers and tube girls do you employ?

Mr. GIMBEL. Thirty-eight.

Mr. THOMPSON. How many of them earn less than \$9 a week?

Mr. GIMBEL. Twenty-nine.

Mr. THOMPSON. Less than \$8 a week?

Mr. GIMBEL. Twenty-one.

Mr. THOMPSON. Is there a minimum wage for women in your store?

Mr. GIMBEL. There is an unwritten law, if you choose to put it that way.

Mr. THOMPSON. What is that?

Mr. GIMBEL. Not less than \$6 for salesladies. We prefer to engage people at \$7, \$8, and \$9; \$8 and \$9 is our preference.

Mr. THOMPSON. Do you dock or fine people for tardiness?

Mr. GIMBEL. They dock for tardiness; yes, sir.

Mr. THOMPSON. How is that arranged? What is the rule?

Mr. GIMBEL. For lateness in the morning.

Mr. THOMPSON. I mean for one minute, five minutes, or what?

Mr. GIMBEL. Fifteen minutes before it becomes operative.

Mr. THOMPSON. What do you mean by before it becomes operative?

Mr. GIMBEL. If you will allow me. For the first 15 minutes I should have said 10 cents penalty or dockage.

Mr. THOMPSON. For each day?

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. Does that apply equally to all people, no matter what their wage is?

Mr. GIMBEL. This is something that we enforce with a faint heart. Most anybody can be excused from it with anything like an explanation or an attempted explanation.

Mr. THOMPSON. Would you fine a girl getting \$6 and a boy getting \$6 the same as the person getting \$20, the same 10 cents?

Mr. GIMBEL. Yes, sir.

Mr. THOMPSON. There is no discrimination?

Mr. GIMBEL. There is no discrimination.

Mr. THOMPSON. Or difference?

Mr. GIMBEL. No, sir. I take it that the larger part of them, or a very considerable part, of those sums docked are remitted.

Mr. THOMPSON. Is there a mutual benefit association in your store?

Mr. GIMBEL. No, sir.

Mr. THOMPSON. There is not?

Mr. GIMBEL. No, sir.

Mr. THOMPSON. What attitude do you take toward a union or toward the unionism of your employees, if any?

Mr. GIMBEL. Our previous position is to consult the pleasure of the class of people in our store on whom we can rely on matters of that kind.

Mr. THOMPSON. Then if the majority, or if any members of your store, wanted to form a union among themselves or with others you would have no objection?

Mr. GIMBEL. We try to keep close more or less with our people, and so far as a reputable proportion of them—I mean, that is, a goodly proportion—of them would indicate, coming from our employees who have been with us some time, and between whom and ourselves the proper relations exist, we would be very glad to respect their wishes.

Mr. THOMPSON. Assuming that an employee of your firm should seek to organize the people into a union outside of working hours, like outside of the store, on the streets, in the neighborhood, or the like, or at their homes, or anywhere else, what attitude would you take toward that employee?

Mr. GIMBEL. As long as they do nothing inimical to us in the way of false statements we shut one eye and do not care to notice it.

Mr. THOMPSON. If they don't do anything against the firm?

Mr. GIMBEL. If they do not resort to methods that appear as misrepresentations.

Mr. THOMPSON. What field might that cover?

Mr. GIMBEL. Well, for instance, to say that employees were being paid \$3 and \$3.50, while we were paying \$6, \$7, \$8, and \$9; agitate that as one of the reasons.

Mr. THOMPSON. Supposing the person or group of persons should say to the others, "It is best to be organized, and it is for the mutual good of the workers to be organized, the betterment of the conditions in wages and hours, it can best come through organization, and therefore it is your duty to organize?"

- Mr. GIMBEL. Yes, sir.
- Mr. THOMPSON. What would be your attitude then?
- Mr. GIMBEL. We would not stand against it.
- Mr. THOMPSON. Do you discriminate against any race or nationality?
- Mr. GIMBEL. No, sir.
- Mr. THOMPSON. You do not?
- Mr. GIMBEL. No, sir; not in that respect.
- Mr. THOMPSON. Have you basements in your stores?
- Mr. GIMBEL. Yes, sir.
- Mr. THOMPSON. And sales places?
- Mr. GIMBEL. Yes, sir.
- Mr. THOMPSON. Have you tube rooms?
- Mr. GIMBEL. Yes, sir.
- Mr. THOMPSON. What are the tube rooms, the first or second basement?
- Mr. GIMBEL. First basement and the upper floors. The tube rooms principally are in the upper floors.
- Mr. THOMPSON. What system of ventilation have you for the basement?
- Mr. GIMBEL. The latest scientific, approved by E. R. Graham.
- Mr. THOMPSON. Are the general sanitary conditions good in the store?
- Mr. GIMBEL. Yes, sir. We court any suggestion at any time from any source to improve them. We are always restless under that spirit; we like to improve all the time.
- Mr. THOMPSON. Have you a system of welfare work?
- Mr. GIMBEL. Yes, sir.
- Mr. THOMPSON. Have you any printed literature in connection with it?
- Mr. GIMBEL. No, sir; I don't think we have.
- Mr. THOMPSON. Have you any opinions about a minimum-wage rate?
- Mr. GIMBEL. Well, from the standpoint as concerns our business, no; we have not any set conclusion. As I say, we have an unwritten one that \$6 is the minimum, but we are agreeable to a proposition of a minimum wage.
- Mr. THOMPSON. I mean a State law, for instance?
- Mr. GIMBEL. Yes, sir.
- Mr. THOMPSON. In regard to the wages of cashiers and tube rooms, what wages do the cashiers get? Have you any fixed rate?
- Mr. GIMBEL. If you will allow me to refer to my paper. I am sorry I can only give them collectively.
- Mr. THOMPSON. Give them collectively?
- Mr. GIMBEL. Well, we have cashiers, 29 of them earning \$9; and we have 21 earning \$8.
- Mr. THOMPSON. That is all, Mr. Chairman.
- Chairman WALSH. Are there any other questions?
- Commissioner GARRETSON. I would like to ask a question or two.
- Mr. GIMBEL. Is your lunch hour 1 hour or 45 minutes?
- Mr. GIMBEL. I would like to refer that to our manager. He is here. I answer that with some equivocation. I am not sure whether it is an hour or not. Our manager is here, I think. He was a moment ago.
- Commissioner GARRETSON. Can you learn from him?
- Mr. GIMBEL. May I call out for him?
- Commissioner GARRETSON. Yes.
- Mr. GIMBEL. Is Mr. Govin present?
- (No response.)
- Chairman WALSH. He seems to have stepped out.
- Mr. GIMBEL. I will be very glad to confirm that or give you a true statement.
- Commissioner GARRETSON. Good.
- (The information requested is contained in Gimbel Exhibit No. 1.)
- Commissioner GARRETSON. Have you, in addition to all the people who are hired on the weekly basis—haven't you a very considerable number of daily men who are hired day after day?
- Mr. GIMBEL. I can only answer that in the abstract. I am not familiar with the detail of it. We have what is called a contingent force, which employees of that character would come under.
- Commissioner GARRETSON. Isn't it common for those men to be continued every day in the service, sometimes for a period of months, before they are put on the weekly roll?
- Mr. GIMBEL. Allow me; we have not a considerable number under this classification, not at all. They are very few, comparatively.

Commissioner GARRETSON. You have some?

Mr. GIMBEL. Yes, sir.

Commissioner GARRETSON. What effect does that have on the payment for holidays?

Mr. GIMBEL. Oh, the payment for holidays?

Commissioner GARRETSON. Yes.

Mr. GIMBEL. I think the holidays do not apply—the pay.

Commissioner GARRETSON. The men not working, being on a daily wage, are not paid for the holidays?

Mr. GIMBEL. I am quite sure he is not paid.

Commissioner GARRETSON. While he would be if on a weekly wage?

Mr. GIMBEL. He gets too much fresh air.

Commissioner GARRETSON. To get the money also?

Mr. GIMBEL. Yes, sir.

Commissioner GARRETSON. A good many people that we hear of get principally fresh air, don't they?

Mr. GIMBEL. Or words to that effect, with all due deference.

Commissioner GARRETSON. Has it ever happened, Mr. Gimbel, that a man on a weekly wage, for instance, when a holiday falls on a Friday, and business was comparatively dull, that the man was released from service on Friday, when he was paid off, before the holiday, and hired again on Monday?

Mr. GIMBEL. Oh, no; nothing of that kind. Nothing so brutal.

Commissioner GARRETSON. It has been stated that it is done in some places. I want to know if you ever do it?

Mr. GIMBEL. That is farther away, farther than New Zealand.

Commissioner GARRETSON. New Zealand?

Mr. GIMBEL. Yes, sir.

Commissioner GARRETSON. That is a cooperative country?

Mr. GIMBEL. Yes, sir.

Commissioner GARRETSON. That is all, Mr. Chairman.

Chairman WALSH. Are there any questions?

Commissioner O'CONNELL. This matter of the working of overtime with 35 cents allowed for supper, or for the supper hour?

Mr. GIMBEL. Yes, sir.

Commissioner O'CONNELL. Suppose they work——

Mr. GIMBEL. I would like to verify the time.

Commissioner O'CONNELL. Suppose they work three or four or five hours?

Mr. GIMBEL. As I said, I am not bright on that.

Commissioner O'CONNELL. Your manager would know?

Mr. GIMBEL. Yes, sir.

Commissioner O'CONNELL. That is all I have.

Chairman WALSH. Are there any other questions?

(No response.)

Chairman WALSH. That is all I have.

Mr. GIMBEL. May I project a thought right here?

Chairman WALSH. Yes. If there is anything you desire to volunteer, or that you wish to amplify that you have already testified to, you may do so.

Mr. GIMBEL. The study of improving efficiency is something that department-store employers and others are very much interested in, and the department stores are giving that close and earnest study and are doing much in that direction. It is, of course, a very broad and stupendous proposition to increase the efficiency of the rank and file of those who apply for positions to such an establishment as ours. I want to take this occasion to call your attention to what I understand is being mooted here in New York, and that is the poor man's child—14, 15, and 16 years old—the poor man who needs the value of that child's work or earnings, which is not more than \$3 or \$4 usually—to put that child in a vocational school and the State pay the parent this meager \$3 or \$4 a week; then, when this child comes out of the vocational school at the age of 17 or 18 years, they will, in my judgment, and in the judgment of those with whom I have conferred, command much better pay at once and have much better prospects and go far toward establishing efficiency generally than is now accomplished.

I thank you.

Commissioner HARRIMAN. May I ask one question?

Chairman WALSH. Yes.

Commissioner HARRIMAN. Mr. Gimbel, are the employees encouraged to sit down in your store. Do they have seats around the counters?

Mr. GIMBEL. There are several very kindly disposed Gvomen who call our attention to it frequently, and we are very glad to give them all the seats they need.

Commissioner HARRIMAN. They do have them then?

Mr. GIMBEL. Yes, sir.

Commissioner HARRIMAN. I thought so.

Mr. GIMBEL. Yes.

Commissioner HARRIMAN. Thank you. That is all I have, Mr. Chairman.

Commissioner GARRETTSON. On the strength of that last declaration, Mr. Gimbel, you made that as a declaration of general opinion in regard to a feature of industrial life in general?

Mr. GIMBEL. Yes, sir.

Commissioner GARRETTSON. On the strength of that I would like to ask you one question further. Isn't welfare work in general, as furnished by the employer, in reality nothing but a palliative in the sense that it is a recognition of the fact that in our industrial life there are conditions that makes the laborer unable to provide for himself certain things that if he had a higher wage, not necessarily in comparison only with his own craft, but in general, he could provide them for himself? A palliative.

Mr. GIMBEL. Do I understand you to mean that the welfare worker is a creature of the employer?

Commissioner GARRETTSON. No. I say the welfare work, as furnished by the employer. I mean contributed——

Mr. GIMBEL (interrupting). Yes; but won't you give me the gist of that again, please?

Commissioner GARRETTSON. Do you not believe that the welfare work that is furnished by the employer at his own expenditure——

Mr. GIMBEL (interrupting). Yes.

Commissioner GARRETTSON (continuing). Is in itself a recognition of the fact that we have industrial conditions that should not exist, and they are a palliative thereof?

Mr. GIMBEL. It certainly is.

TESTIMONY OF MRS. MARY WAXMAN.

Mr. THOMPSON. Give us your name and your address.

Mrs. WAXMAN. Mary Waxman, 240 East Fourteenth Street.

Mr. THOMPSON. What are you doing now?

Mrs. WAXMAN. I am with the Council of Jewish Women as investigator.

Mr. THOMPSON. I did not hear you.

Mrs. WAXMAN. With the Council of Jewish Women as investigator and social worker.

Mr. THOMPSON. Have you worked in the department stores in this city?

Mrs. WAXMAN. Yes, sir.

Mr. THOMPSON. In what stores have you worked?

Mrs. WAXMAN. Previously at Macy's, and last in Gimbel's.

Mr. THOMPSON. How long did you work at Macy's, and how long did you work at Gimbel's, and when did you work there?

Mrs. WAXMAN. At Macy's I worked a very long time ago, about 10 years ago, as a child. At Gimbel's I worked since, last June is when I quit. I worked there for six months or seven months.

Mr. THOMPSON. Seven months?

Mrs. WAXMAN. Yes.

Mr. THOMPSON. You say you worked 10 years ago?

Mrs. WAXMAN. Yes.

Mr. THOMPSON. Where did you start working?

Mrs. WAXMAN. I was only 12 years old.

Mr. THOMPSON. Where did you work first, in department stores or factories?

Mrs. WAXMAN. Factory and department stores.

Chairman WALSH. How long did you work at Macy's?

Mrs. WAXMAN. Three months.

Chairman WALSH. That was 10 years ago?

Mrs. WAXMAN. Ten years ago.

Chairman WALSH. Then you worked six months at Gimbel Bros.?

Mrs. WAXMAN. The last.

Chairman WALSH. And the ending of your employment was last June?

Mrs. WAXMAN. The 18th of last June.

- Mr. THOMPSON. You are married?
- Mrs. WAXMAN. Yes.
- Mr. THOMPSON. And your husband living?
- Mrs. WAXMAN. Yes.
- Mr. THOMPSON. Have you any children?
- Mrs. WAXMAN. Two.
- Mr. THOMPSON. How old are they?
- Mrs. WAXMAN. One is 3 years, going on 4, and the other is 2 years.
- Mr. THOMPSON. What work were you doing at Gimbel's?
- Mrs. WAXMAN. First I was a saleslady, contingent saleslady, and last I was taking charge of stock in the men's and boys' hat department, and interpreter in all parts of the store, and saleslady.
- Mr. THOMPSON. Which work did you do most, saleslady or interpreter?
- Mrs. WAXMAN. Both; I can't say. A lot of both. I was selling in my department, and I was taken away from my department to do interpreting.
- Mr. THOMPSON. How many languages do you speak?
- Mrs. WAXMAN. Seven.
- Mr. THOMPSON. Seven languages?
- Mrs. WAXMAN. Yes.
- Mr. THOMPSON. What are they?
- Mrs. WAXMAN. Turkish, French, Greek, German, Jewish, English, and Roumanian.
- Mr. THOMPSON. What wages did you get a week?
- Mrs. WAXMAN. Seven dollars when I began; \$8 when I left.
- Mr. THOMPSON. Eight dollars when you left?
- Mrs. WAXMAN. Yes.
- Mr. THOMPSON. What did they say first to you when they spoke of the question of wages?
- Mrs. WAXMAN. When I first started I had upon my application \$10 a week, and they offered me \$7 and I started for that. Then I was laid off and I was asked to return again, and when I was laid off it was before the holidays, and I believe I was laid off so as not to be paid for the holidays. And then later I was taken on again. I came in the next day and was told to come again, and still again, and I waited until all of my time was wasted and I could not go to any other department store, so I thought it was too late, and I came the next day surely to go on, and I was told again to come the next day, and when I landed the next day I was started, and Mr. Gamble said I was to start at \$6 a week, and I told him I could not start for that, could not afford.
- Mr. THOMPSON. That is Mr. Gamble, not Mr. Gimbel?
- Mrs. WAXMAN. Yes, Mr. Gamble, the superintendent.
- He asked me to start for \$6, and I told him I could not. He pointed to the bread line, meaning the applicants, and told me if I did not take it for \$6 then I will take it next week for \$5. Then I went home, and I received a postal card from one of the buyers to return, and when I came back he spoke for me, and I got \$7 and started again to work for a short while, just in the white-goods sale department, and I was kept until the sale was over and laid off again, and I asked to return again, and I was asked to return again, and I came back, and there were several days wasted of my time, so that I could not go to any other place, and, well, at last Mr. Gamble decided to take me on again and told me again to come on for \$6 a week, and I told him I could not work for that and left again, and in a few days after I received another postal card asking me to return, and I was taken on in the men's and boys' hat department as saleslady and head of the stock and department and taking charge of the credits.
- Mr. THOMPSON. Where did you work and what did you do? Whereabouts in the building?
- Mrs. WAXMAN. In the basement.
- Mr. THOMPSON. Were there any conditions there? What were the conditions there?
- Mrs. WAXMAN. The light affected my eyes, and I asked to be transferred, please, to some other place else, and I knew that they wanted me, but they told me that was best because the foreign trade was most in there; they come there, and if they needed interpreters it is down there to talk with them.
- Mr. THOMPSON. How did you come to leave the store?
- Mrs. WAXMAN. I usually had to work late before the sales, whenever we had a special sale, and work late until about 7 o'clock, and never was paid nothing until 7.30 and 7.45, and also never was paid a cent for that only until I worked until 8.30 or 10 o'clock, when I was given supper money consisting of 35 cents. And I

came in late one morning—we had been working late one evening—and I was told by several employees there who were working with me—girls—that I was entitled either to go home early or get in late for taking charge of the credits. When I came in late that morning, it must have been 13 minutes too late, my card showed, and I believe it will show if they still have the record, and the floorwalker told me I had to go upstairs for a pass. I refused to go up, and I was docked 10 cents several times for being late, and I refused to go up, and he took my book away from me and insulted me in front of a customer. And I could not wait on the customer, and I refused to go upstairs, and I decided to resign. I asked for a resignation slip, and he told the girl to hand me a dismissal, and I was blacklisted and could not get any work in other department stores in the city.

MR. THOMPSON. After you were discharged, or laid off, did you make application at other department stores?

MRS. WAXMAN. I did.

MR. THOMPSON. Well, what was the result?

MRS. WAXMAN. I was not taken on. I know they must have gone there for references and dismissal showed, and that was naturally counted against me.

MR. THOMPSON. What stores did you make application at, and how long did you continue making applications?

MRS. WAXMAN. I do not wish to mention names, but there is a lady in this city who is very prominent, and she took me in in several stores, to Franklin, Simon & Co., to Bonwit, Teller & Co., and lots of other stores, and she wanted in the worst way to get me a position, but it seems these references of Gimbel Bros. have deprived me of getting any place.

MR. THOMPSON. I want the facts. That is your conclusion. I want you to state what stores you went to.

MRS. WAXMAN. I went to Franklin, Simon & Co. and to Lord & Taylor, which continually advertised for help.

MR. THOMPSON. Any other stores?

MRS. WAXMAN. Bonwit & Teller, and I don't remember; lots of other stores, but I can not tell all the names.

MR. THOMPSON. How often did you go to those stores?

MRS. WAXMAN. Continually; every time that they advertised; I filed applications one after another. I went to Bloomingdale Bros. also.

MR. THOMPSON. Over what length of time, a week or a month?

MRS. WAXMAN. Well, during—several stores I went in in one week, and to others I went about two or three months later.

MR. THOMPSON. When you went to Lord & Taylor, did you just go once to Lord & Taylor, or two or three times one week, or continue to go for a longer time?

MRS. WAXMAN. I was given a card to be introduced to the superintendent, which the lady was quite sure that I would be taken on, and he advertised, and she spoke to them, and he told her that he needed about 50 salesladies, and the paper stated 1,000 salesladies. When I came in there where he was, he gave me an application blank, and I filled it out, and he said, "I will send for you," but I have never heard of it.

MR. THOMPSON. Is that the only time you went to Lord & Taylor's?

MRS. WAXMAN. That was the only time to Lord & Taylor's.

MR. THOMPSON. How many times did you go to these other firms?

MRS. WAXMAN. I went several times to Bloomingdale's, and several times to Franklin Simon's.

MR. THOMPSON. Over how long a period after you left in June did you visit this other place?

MRS. WAXMAN. During the time they had advertised. Whatever time elapsed. Sometimes they advertised daily, and sometimes two or three weeks later, so I went then.

MR. THOMPSON. What department were you in at Gimbel's?

MRS. WAXMAN. The men and boys' hat department.

MR. THOMPSON. What is that?

MRS. WAXMAN. Men's and boys' hat department.

MR. THOMPSON. Have they similar departments in these other stores?

MRS. WAXMAN. I don't know in the other stores, but I know I applied in Lord & Taylor's for the same department.

MR. THOMPSON. For the same department?

MRS. WAXMAN. Yes. Previous to that department I was in the white goods in Gimbel's.

Mr. THOMPSON. How long were you in the white goods in Gimbel's?

Mrs. WAXMAN. Until their sale was over. That is all they needed me. A holiday came along, and they laid me off.

Mr. THOMPSON. Do you know if other women were applying at the same time to Lord & Taylor's for employment who were not employed?

Mrs. WAXMAN. I could not say whether they were not employed, but I know thousands of them applied.

Mr. THOMPSON. What is that?

Mrs. WAXMAN. I know lots of them applied, but I do not know whether they were employed.

Mr. THOMPSON. You don't know?

Mrs. WAXMAN. Except one girl was employed that I know of.

Mr. THOMPSON. One was employed?

Mrs. WAXMAN. Yes.

Commissioner O'CONNELL. Do you know that any other girls who were at Gimbel's there were dismissed there and sought employment and did not secure it?

Mrs. WAXMAN. Lots of them have told me of this here very thing.

Commissioner O'CONNELL. Are there any other girls in Gimbel's that do the same kind of work, as interpreter, that you did?

Mrs. WAXMAN. No, sir; not that I know of.

Commissioner O'CONNELL. Do they have them in the other stores, too, that you know of?

Mrs. WAXMAN. I could not say.

Commissioner O'CONNELL. Have you any idea what the interpreter would be paid in any of the other stores?

Mrs. WAXMAN. Why, they command a larger salary. I don't know just exactly what they get.

Chairman WALSH. Between the time you worked at Macy & Co.'s and the time you worked at Gimbel's, were you employed in any other place?

Mrs. WAXMAN. Yes, sir.

Chairman WALSH. In what other business?

Mrs. WAXMAN. Well, I was so little that I had to be transferred from one place to another, but I used to work in factories, and when I grew older, afterwards, in retail stores. I was in the art novelty.

Chairman WALSH. In the art novelty?

Mrs. WAXMAN. Novelties; yes.

Chairman WALSH. Those are the only two department stores you have worked in in the city?

Mrs. WAXMAN. The only two.

Chairman WALSH. And in the interval, between the time you worked at Macy's and when you worked for Gimbel's, your time was spent in various factories and smaller retail stores, do I understand?

Mrs. WAXMAN. One retail store I worked for three years.

Chairman WALSH. What was that?

Mrs. WAXMAN. The New Amsterdam Post Card Novelty Co.

Chairman WALSH. Did you retain that letter that you were given at Gimbel Bros.?

Mrs. WAXMAN. You mean the postal card that I was sent for?

Chairman WALSH. I understand that when you were asked to resign, and I understood you to say that the gentleman said, "Give her a dismissal letter."

Mrs. WAXMAN. Not a letter, "Hand her a dismissal."

Chairman WALSH. Hand her a dismissal; that was not in writing?

Mrs. WAXMAN. Well, they give you a slip and you have to enter as they want you to. You resign, and if you resign you have to answer you resign. They gave me that dismissal, then they entered me in their book as a dismissal.

Chairman WALSH. Did they give you any card or writing of any kind when you left Gimbel's?

Mrs. WAXMAN. Never.

Commissioner HARRIMAN. How did all of these other establishments know you had been dismissed?

Mrs. WAXMAN. I presume they gave that reference. They had it written in their books.

Commissioner HARRIMAN. Then they took your application and looked it up. They did not say at once that they had no use for you?

Mrs. WAXMAN. They took my application and told me I would hear from them, and I would be sent for, but I never was sent for.

Chairman WALSH. Is that the general custom in these stores, to take the application and not employ them at once?

Mrs. WAXMAN. Some stores have that rule, and others employ you at once.

Chairman WALSH. Is that Lord & Taylor's rule?

Mrs. WAXMAN. I believe it is.

Chairman WALSH. Bonwit, Teller & Co.?

Mrs. WAXMAN. This gentleman said there also this was his rule.

Chairman WALSH. Franklin, Simon & Co.?

Mrs. WAXMAN. Exactly the same.

Mr. THOMPSON. Before you applied for a position at Gimbel Bros., had you applied elsewhere for a position?

Mrs. WAXMAN. I worked in the Dewan & Sons Co., a lace house, an importer of Irish laces.

Mr. THOMPSON. When did you leave their employment, and when did you commence at Gimbel's? How long apart?

Mrs. WAXMAN. Three days elapsed between the time I left Dewan & Co. and went to Gimbel's.

Mr. THOMPSON. In that space did you make application at any other stores than Gimbel's?

Mrs. WAXMAN. No, sir.

TESTIMONY OF MRS. EMILY L. GOODELL.

Mr. THOMPSON. Give us your name, your address, and your occupation.

Mrs. GOODELL. Emily L. Goodell, 232 West One hundred and twentieth Street. I am at present employed as mail-order correspondent.

Mr. THOMPSON. Where are you employed?

Mrs. GOODELL. I should prefer not to state.

Mr. THOMPSON. Were you employed at Gimbel's store?

Mrs. GOODELL. I was.

Mr. THOMPSON. How long, and what work did you do, and when did you leave?

Mrs. GOODELL. I was employed there for two years and a trifle over two months, and I left there the 31st day of January, 1911, as I remember it.

Mr. THOMPSON. What was the cause of your leaving, if any?

Mrs. GOODELL. The only—I was laid off and I was told that it was necessary to procure a correspondent for less money.

Mr. THOMPSON. What were they paying you then?

Mrs. GOODELL. Fourteen dollars.

Mr. THOMPSON. Fourteen dollars a week?

Mrs. GOODELL. Yes.

Mr. THOMPSON. What did you do as a correspondent?

Mrs. GOODELL. I had charge of outgoing mail of the mail-order department, the department from which letters were to be written, and the letters were brought to me, and it was my duty to assort them and look after them and see that answers were made, proper answers were dictated. I did a great deal of the dictation myself, and one other person usually—at least, the last year or year and a half I was there there was another person who also dictated the mail. I had personal supervision of the stenographers who did the work, and I signed my own letters, and many of the form letters—that is, I proof read them and signed them before they went out—and there were other matters of detail connected with the business.

Mr. THOMPSON. Well, what kind of goods did you cover, all the goods carried by the firm, or did you represent certain departments?

Mrs. GOODELL. Why, it represented all the mail-order sales of the department. When I first went there I handled all of the mail in the department, but latterly a new complaint clerk was put in who was sufficiently competent to dictate her own complaint letters, and she had the department complaint letters under her care, but the other letters still remained with me and the one who assisted.

Mr. THOMPSON. How many letters would you generally handle in a day?

Mrs. GOODELL. Well, do you mean how many would I personally handle, or how many would be handled by the department?

Mr. THOMPSON. How many would you handle, and how many would you supervise and take charge of?

Mrs. GOODELL. Well, in the busy season, counting form letters and dictated letters, the one who worked with me and I together have turned out something over 400, but in the dull seasons it might not be more than 200, in a day.

Mr. THOMPSON. What do you mean by form letters as distinguished from other letters?

Mrs. GOODELL. There are certain forms, such as telling customers that we are matching their samples as nearly as possible, where the typist merely fills in the name and address, and so on. There were several. I think there were perhaps six or eight forms of form letters, which covered certain letters, certain replies, so that dictations did not have to be made, and I gave those all to the stenographers to attend to them, and we also had forms that were partially printed in simulated typewriting, and then other dictations was added.

Mr. THOMPSON. How did you come to leave the firm?

Mrs. GOODELL. I was called into the private office in my department about a half hour before closing on the evening of Saturday, I believe it was, January 31, and told that although the manager of the department himself was sorry that it was necessary, the management insisted that he obtain a correspondent for less money.

Mr. THOMPSON. Had you any previous notice?

Mrs. GOODELL. Oh, no.

Mr. THOMPSON. Did your service terminate that night?

Mrs. GOODELL. Yes, sir.

Mr. THOMPSON. Is there any other statement you would like to make in connection with this matter?

Mrs. GOODELL. Only that I attempted to make some kind of a protest about it, because I had been told many times by people connected with the department that my work was very satisfactory, and I wanted to get more of a reason for my discharge than that, and I asked Mr. Fitzgerald, who was the superintendent of nonselling employees—there are two superintendents in Gimbel's or there were at that time—and he merely told me it was nothing at all unusual. It was what was happening all over the city and all over the store.

Commissioner HARRIMAN. I would like to ask you how you found the health conditions?

Mrs. GOODELL. Well, I considered that as a whole the sanitation was very good there, but one thing that seemed objectionable was that at the time the law was passed preventing the stores and public places from having towels used by many people, and public drinking cups, the towels were all taken out of the wash rooms and nothing was substituted. That is to say, when the girls went to the wash room to wash their hands they had nothing upon which to wipe them, and that being the case they naturally wiped their hands on some part of their clothing, which I thought was rather more unsanitary than the old towel. As time went on, and the lobby became a little older, at any rate, after some weeks or months, I can not tell how long, the old roller towels were returned to the wash rooms, and the girls were glad to see them come back, because unless they had brought towels from home and had them in their lockers they had nothing to use. As for the public drinking cups, the same things seemed to happen. They were taken away and the drinking fountain still remained. They were not the bubbling fountains that could be used without a cup, and there was nothing there to drink from unless one had a private cup. That was after the start. About the same time the roller towels returned, the cups returned also. But I have no knowledge further than last January. At that time the public cups were in use, and also the roller towels.

And in the lunch room, the girls' lunch room, while it was not insanitary, the tables used to be left cluttered with crumbs, fragments, and greasy papers, and so on after the first relay of girls had left. It was not a pleasant condition for the girls to eat there, though otherwise the conditions were very good, I think.

Commissioner HARRIMAN. What about fines?

Mrs. GOODELL. Well, the fining system was in force at the time I was in the store. The time for registering on the time clock—well, the time for the people to report in their department was 8.15, and if you registered later than that on the time clock you were supposed to get a pass to enter your department from the management's office. It so happened that if a very good excuse was offered occasionally the fine was not imposed, but as a rule a fine of 10 cents if you were late 1 minute or over up to 15 minutes, a fine of 20 cents if you were late 16 minutes or over up to half an hour, and a fine of 30 cents if you were late 31 minutes or over up to three-quarters of an hour, and in addition to that if a

person came in late—that is, quite late, say at 10 o'clock—it was the rule that a fine of 30 cents should be deducted and also the time that had been wasted; that is, it was docked—the party was docked and also fined 30 cents. That was also in force up to the time I went away, up to the time I left the store.

Commissioner LENNON. Do you know if a clerk was secured in your place for less money? Have you any knowledge of that?

Mrs. GOODELL. I have hearsay knowledge only. I could not say otherwise.

Commissioner LENNON. Well, what is the best information you have as to that?

Mrs. GOODELL. Well, I know that there are two clerks now working there, the one that was there when I was there took my place—the one that worked with me—and there is also a newer one there. It is to be supposed that she does not get as much as I did, probably. That is merely a matter of supposition. I don't know.

Commissioner GARRETSON. Was it suggested to you that you could retain the position at a reduced wage?

Mrs. GOODELL. No; it was not.

Commissioner O'CONNELL. How much time did you have for lunch?

Mrs. GOODELL. I had one hour from the time I left my department.

Commissioner O'CONNELL. What was the general time in the store?

Mrs. GOODELL. The general rule, I think, was that the selling force had 45 minutes from their department, but the nonselling parts had one hour. And, as I say, I have no knowledge later than the time I was there. That was the rule, because the rules were posted in the lunch room, that the time for lunch was 45 minutes. That was for the sales people.

Mr. THOMPSON. What wages are you getting now?

Mrs. GOODELL. Now?

Mr. THOMPSON. Yes; if you are willing to tell.

Mrs. GOODELL. I am now getting \$15, and I have been promised \$18 after I have been with the firm I am now with two months.

Commissioner O'CONNELL. You are now getting \$15?

Mrs. GOODELL. Fifteen dollars.

Mr. THOMPSON. That is all.

Chairman WALSH. The commission will now stand adjourned until to-morrow morning at 10 o'clock to meet in the upstairs council room.

(Where upon the commission adjourned to Thursday, June 11, 1914, at 10 a. m.)

NEW YORK CITY, June 11, 1914—10 a. m.

Present: Chairman Walsh, Commissioners Garretson, Lennon, Delano, O'Connell, Commons, and Hartman. William O. Thompson, counsel.

Chairman WALSH. The commission will please be in order. You may proceed, Mr. Counsel.

Mr. GIMBEL. If the chairman please, I wish to place on the record an abstract of labor laws as amended on April 14, 1914, and call your attention to section 3, which provides that not less than 45 minutes shall be allowed for the noon-day meal of the employees of mercantile establishments.

Chairman WALSH. Thank you.

Mr. GIMBEL. There seems to be some misunderstanding about the law.

Chairman WALSH. Please see that the stenographer gets that.

(Received and marked "Gimbel Exhibit 2.")

Gimbel Exhibit No. 2 was submitted in printed form.)

Mr. THOMPSON. Is Miss Savage here?

(No response.)

Mr. THOMPSON. Is Miss Schulman here?

(No response.)

Chairman WALSH. Mr. Charles C. Crawford.

TESTIMONY OF MR. CHARLES C. CRAWFORD.

Mr. THOMPSON. Mr. Crawford, will you please give us your name?

Mr. CRAWFORD. My name is Charles C. Crawford.

Mr. THOMPSON. And your address.

Mr. CRAWFORD. 4094 Park Avenue, New York.

Mr. THOMPSON. And your present occupation.

Mr. CRAWFORD. My present occupation is hunting for a job.

Mr. THOMPSON. Hunting for a job?

Mr. CRAWFORD. Yes, sir.

Mr. THOMPSON. How long have you been hunting a job?

Mr. CRAWFORD. Since the latter end of January.

Mr. THOMPSON. What is that?

Mr. CRAWFORD. Since the latter end of January.

Mr. THOMPSON. Where did you work the last time you worked?

Mr. CRAWFORD. I worked for the firm of Gimbel Bros.

Mr. THOMPSON. In New York City?

Mr. CRAWFORD. In New York.

Mr. THOMPSON. How long did you work for them, and what work did you do?

Mr. CRAWFORD. I only worked for them a short time on this occasion.

Mr. THOMPSON. What do you mean by a short time—a week or a day?

Mr. CRAWFORD. Well, from about the end of November until near the end of January. I had been in their employ in 1910 and 1911.

Mr. THOMPSON. What did you do in the meantime between the dates?

Mr. CRAWFORD. Between the dates?

Mr. THOMPSON. Yes, sir.

Mr. CRAWFORD. I was in the employ of John Wanamaker, and also in the employ of McCreery.

Mr. THOMPSON. What was the reason for your leaving Gimbel's store?

Mr. CRAWFORD. I was dismissed there for asking for information regarding a card, which was circulated through the department.

Mr. THOMPSON. What kind of a card was it? And what information did you ask for?

Mr. CRAWFORD. I have a sample of the card with me.

Mr. THOMPSON. If you please.

Mr. CRAWFORD. This is it.

Mr. THOMPSON. Will you have it marked as "Crawford's Exhibit 1"?

(The card was marked "Crawford's Exhibit 1".)

(Crawford Exhibit 1 was submitted in printed form.)

Mr. THOMPSON. A factory-inspection card?

Mr. CRAWFORD. It has no title.

Mr. THOMPSON. Is it a factory-inspection card?

Mr. CRAWFORD. I found out about a month later that it was.

Mr. THOMPSON. When was that card first passed to you?

Mr. CRAWFORD. It was early in January.

Mr. THOMPSON. Were any instructions given in regard to it?

Mr. CRAWFORD. We were instructed to fill it out, putting down only our number; not to put down our name or address.

Chairman WALSH. I didn't hear that.

Mr. CRAWFORD. We were instructed to fill it out, putting down our number only, not our name or address.

Mr. THOMPSON. Were any other instructions given you at that time?

Mr. CRAWFORD. Not at that time.

Mr. THOMPSON. What did you do with the card?

Mr. CRAWFORD. Well, I asked for information regarding it.

Mr. THOMPSON. Who did you ask, and when, after you received the card?

Mr. CRAWFORD. I asked the man who gave out the cards what it referred to. He said it referred to something regarding the labor law.

Mr. THOMPSON. Something regarding the labor law?

Mr. CRAWFORD. Yes, sir.

Mr. THOMPSON. What else did you ask him, and what else did he say?

Chairman WALSH. Excuse me, please. I would like to catch the drift of this. Who handed that card around, Mr. Crawford?

Mr. CRAWFORD. A fellow workman in the same department.

Chairman WALSH. That is all.

Mr. CRAWFORD. A kind of an assistant to the foreman.

Mr. THOMPSON. Was he the man you asked these questions of?

Mr. CRAWFORD. I only asked him what the card was.

Mr. THOMPSON. I understand that. Then you asked some other questions, didn't you?

Mr. CRAWFORD. Not at that time.

Mr. THOMPSON. Not at that time?

Mr. CRAWFORD. No, sir.

Mr. THOMPSON. But the man you spoke to was the foreman who handed them around; is that correct?

Mr. CRAWFORD. His assistant.

Mr. THOMPSON. Well, his assistant?

Mr. CRAWFORD. Yes, sir.

Mr. THOMPSON. What did you do with the card after that?

Mr. CRAWFORD. I didn't turn it in.

Mr. THOMPSON. You didn't turn it in?

Mr. CRAWFORD. No, sir.

Mr. THOMPSON. When next did you hear about the card, or you failed to turn it in?

Mr. CRAWFORD. On the same day the foremen met me and asked me if I had filled out the card, and I told him no I had not filled out and asked him what it was. He said he understood it was from the labor department of the State. I asked him what it referred to, and he said he didn't know anything more about it.

Mr. THOMPSON. Then what did you do? Was that all that was said then?

Mr. CRAWFORD. On that day.

Mr. THOMPSON. Then what did you do?

Mr. CRAWFORD. I went along about my work and didn't hear anything of it for about probably 10 days or 2 weeks afterwards.

Mr. THOMPSON. Did you fill the card out?

Mr. CRAWFORD. No, sir.

Mr. THOMPSON. Then what did you hear about it 10 days or 2 weeks afterwards?

Mr. CRAWFORD. At that time the foreman told me that they had been checking up those cards and had found that I had not filled one out and told me I would have to go down to the employment bureau on the fifth floor and see one of the officials there.

Mr. THOMPSON. In the meantime, during that 10 days or 2 weeks, did you make any effort to inquire of the State factory inspection as to whether or not they had issued those cards?

Mr. CRAWFORD. I had no idea it was the State factory inspection. I didn't know where to look.

Mr. THOMPSON. What did you do to find out whether it came from the State labor department?

Mr. CRAWFORD. I saw the secretary of the upholsterers' union, and he knew nothing about it. I saw the business agent of the union, and he said it was new to him and he didn't know anything about it.

Mr. THOMPSON. Well, tell what happened when you went down to the employment department.

Mr. CRAWFORD. I went down there to see—there were two men connected with that department as officials, one was Mr. Gamble and Mr. Fitzgerald. I went to see Mr. Fitzgerald, and when I went down there Mr. Fitzgerald, the young lady at the desk stated, was not working that day and Mr. Gamble was attending to his work. So I went to Mr. Gamble and showing him the card told him that I had been sent down there in regard to it and asked him if this card was issued by the firm. He says, "What difference does that make? Fill it out." I says, "Well, I would like to know what it is before filling it out." He says, "What department do you work in?" I says, "I work in the upholstery factory." He says, "Who is your foreman?" I told him. He says, "Well, you are discharged," handing me a resignation slip or discharge slip, and says, "Fill that out." I says, "Do I understand you to say I am discharged?" He says, "Yes." "Then," I says, "fill it out yourself." So he passed it over to the young lady behind him, and she asked him my number and name, passed it over to Mr. Gamble, who put his signature on the bottom of it. I took that up to my foreman and told him about it. He seemed surprised and left the room and went down to that department. I did not see him again for about half an hour. When he came back he told me, he says, "I can't do anything in the matter at the present time," "Well," I says, "give me a self pass and I will go out."

There are two kinds of passes, a self-pass and a business pass.

Mr. THOMPSON. What was the reason, Mr. Crawford, that you failed to fill out the card?

Mr. CRAWFORD. The only reason was that I didn't know what it was; didn't know the source from which it came.

Mr. THOMPSON. Well, had you any thoughts or ideas where it might come from?

Mr. CRAWFORD. Well, I had several ideas in regard to that. I thought possibly it might be from the retail dry goods association.

Mr. THOMPSON. And did that influence you in not signing it or filling it out?
Mr. CRAWFORD. I had no intention of not filling it out, but only wished to find out what it referred to.

Mr. THOMPSON. What other efforts did you make to find out what it referred to, other than asking the officers of the union?

Mr. CRAWFORD. I wrote a letter to a daily paper published in New York and asked them in relation to it, and they answered that it was the State factory inspection.

Mr. THOMPSON. We have a newspaper copy of that, Mr. Chairman, if you please, and I would like to file it with this testimony.

Chairman WALSH. Please pass it up.

(The newspaper clipping here presented was marked "Exhibit 2, witness Crawford," dated June 11, 1914.

The clipping referred to was submitted in printed form.)

Mr. THOMPSON. Mr. Crawford, have you anything else that you want to say at this time, either relating to your discharge, the nonfilling out of the card, or to any other matters?

Mr. CRAWFORD. Well, this is a copy of the card that has not been mutilated. [Producing another card similar in form to Exhibit 1.] I managed to secure that—that has the title to it on the top. On the other card the top has been cut off.

(The card here produced was marked "Exhibit 3, witness Crawford," date June 11, 1914.

Crawford Exhibit 3 was submitted in printed form.)

Mr. THOMPSON. Did you know of your fellow employees filling or refusing to fill out such cards?

Mr. CRAWFORD. None that I now of.

Chairman WALSH. Are there any questions?

Commissioner LENNON. Yes.

Chairman WALSH. Commissioner Lennon will inquire of you.

Commissioner LENNON. Are you an upholsterer?

Mr. CRAWFORD. Yes, sir.

Commissioner LENNON. And you were employed in that department?

Mr. CRAWFORD. In the upholstery workroom.

Commissioner LENNON. Did you ever attempt, after receiving your first discharge, to get a rehearing of the matter before the firm?

Mr. CRAWFORD. I had an interview with Mr. Duggan.

Commissioner LENNON. What position did he hold in the firm?

Mr. CRAWFORD. General manager.

Commissioner LENNON. General manager?

Mr. CRAWFORD. Yes, sir.

Commissioner LENNON. Did you have a conference with him?

Mr. CRAWFORD. Yes, sir.

Commissioner LENNON. Did he offer any explanation beyond what you have already related, as having occurred with Mr. Gamble?

Mr. CRAWFORD. Explanation?

Commissioner LENNON. Yes; any explanation of your discharge, or did he give any reasons why you could not be reinstated?

Mr. CRAWFORD. In the interview—he called several of these officials in, and they had quite an interview there, and questions were asked and questions were answered, as I understood them.

Commissioner LENNON. Well, either I am dull this morning, or something, but I haven't from you as yet a clear understanding as to the reasons given you for your discharge. Was it simply that you did not fill out the card? Was that the only reason assigned?

Mr. CRAWFORD. It was during my interview with Mr. Gamble, when I asked for information regarding the source of that card, and persisting in asking for information regarding it, I was told I was discharged.

Commissioner LENNON. Then, no reason was given you for your discharge?

Mr. CRAWFORD. None other than I know of; no.

Chairman WALSH. Did you understand that you had any higher authority than Mr. Duggan?

Mr. CRAWFORD. It is pretty hard to get past those officials.

Chairman WALSH. Well, as a practical matter, did the employees go higher than Mr. Duggan when they had grievances in Gimbel Bros.' store?

Mr. CRAWFORD. The employees?

Chairman WALSH. The employees; yes.
 Mr. CRAWFORD. Not as employees.
 Chairman WALSH. Well, as anything?
 Mr. CRAWFORD. As members of a union; yes.
 Chairman WALSH. Well, was there a union in Gimbel Bros.?
 Mr. CRAWFORD. Among the upholsterers there is.
 Chairman WALSH. That is all. Call your next witness.

TESTIMONY OF MISS SYLVIA SCHULMAN.

Mr. THOMPSON. Please give us your name, your address, and your present occupation.
 Miss SCHULMAN. My name is Sylvia Schulman. I live at 540 Henry Street, Brooklyn; present occupation, clerical work.
 Mr. THOMPSON. For whom, do you wish to state?
 Miss SCHULMAN. No, sir; I would not like to state.
 Chairman WALSH. Your present occupation is what?
 Mr. THOMPSON. Clerical work; but she is afraid to state for whom. Would you mind stating the reasons why you would rather not state where you work?
 Miss SCHULMAN. Because I would lose my position if it was known.
 Mr. THOMPSON. Because you would lose your position?
 Miss SCHULMAN. Yes.
 Mr. THOMPSON. From February, 1910, until this year, were you employed in a department store in this city?
 Miss SCHULMAN. Yes, sir.
 Mr. THOMPSON. In whose store were you employed?
 Miss SCHULMAN. A. I. Namm & Sons, Brooklyn.
 Commissioner LENNON. I did not get the name.
 Mr. THOMPSON. A. I. Namm & Sons, Brooklyn.
 Miss SCHULMAN. A. I. Namm & Sons, Brooklyn.
 Mr. THOMPSON. What wages did you receive when you began?
 Miss SCHULMAN. In that store, \$7.
 Mr. THOMPSON. What work did you do then?
 Miss SCHULMAN. Well, I started as an ordinary sales clerk, but I ended up with an assistant head of stock.
 Mr. THOMPSON. What wages were you receiving when you left?
 Miss SCHULMAN. \$10.
 Commissioner O'CONNELL. How much did you get when you went there?
 Miss SCHULMAN. \$7.
 Mr. THOMPSON. \$7. How old were you when you began to work at that store?
 Miss SCHULMAN. Eighteen.
 Mr. THOMPSON. Eighteen years old?
 Miss SCHULMAN. Yes.
 Mr. THOMPSON. Could you read and write English?
 Miss SCHULMAN. Perfectly.
 Mr. THOMPSON. And do ordinary arithmetic?
 Miss SCHULMAN. Very well.
 Mr. THOMPSON. Was that work required of you in your position?
 Miss SCHULMAN. It certainly was, because if I would make a mistake I had to stand the consequences.
 Mr. THOMPSON. What do you mean by having to stand the consequences?
 Miss SCHULMAN. I mean if I made a mistake in adding up the accounts at the end of the day I would be charged with the difference in my salary.
 Commissioner O'CONNELL. Suppose you made a mistake the other way and collected too much, what would happen?
 Miss SCHULMAN. I would be fined for that.
 Commissioner O'CONNELL. Fined just the same?
 Miss SCHULMAN. Just the same. It was a mistake.
 Mr. THOMPSON. What was the reason that you left A. I. Namm & Sons' store?
 Miss SCHULMAN. I was dismissed—laid off.
 Mr. THOMPSON. What for?
 Miss SCHULMAN. Because I dared to belong to the union, the retail clerks' union.
 Mr. THOMPSON. Well, who discharged you at that time?
 Miss SCHULMAN. Well, I was simply sent to the office and the superintendent told me I was not wanted any longer.

Mr. THOMPSON. Who sent you to the office?

Miss SCHULMAN. The assistant superintendent told me I was wanted there.

Mr. THOMPSON. What is that?

Miss SCHULMAN. The assistant superintendent.

Mr. THOMPSON. Whom did you see at the office?

Miss SCHULMAN. I saw the superintendent.

Mr. THOMPSON. What did he say to you?

Miss SCHULMAN. That my services were no longer required there. I thought it was rather strange after working four years. "Well," I said, "I worked so many years and have proved very satisfactory." "Well," he said, "you have acted strange, and therefore we are making quite a change in the store, and we think you are not wanted any longer."

Mr. THOMPSON. Did he tell you what actions there were that you were guilty of that looked strange to him?

Miss SCHULMAN. No; he did not, much as I asked him.

Mr. THOMPSON. Did you ask him still again to state what actions?

Miss SCHULMAN. No; I could not. He told me to go.

Mr. THOMPSON. And previous to discharging you, had they been finding fault with your work?

Miss SCHULMAN. Never.

Mr. THOMPSON. How much notice did they give you before they let you go?

Miss SCHULMAN. They kept me a little extra time. There were very few left in the store when I went home, and then they asked me to come to the office. I don't think there were more than three or four people left at the time I went home, so they gave me no notice at all. I had my coat and hat on when I went.

Mr. THOMPSON. How long hours did you have to work there, or what were the hours that you did work?

Miss SCHULMAN. Well, we are supposed to be there 15 minutes past 8, and the store closes at 6, but then we put in every single day from half an hour to an hour or three hours, fixing up stock and waiting on customers who come in the last minute, and besides getting stock ready for the bargain sales, and taking stock a couple of times a year, and coming in Sunday afternoons to do that, for which we were not paid at all.

Mr. THOMPSON. When you worked extra time, what compensation, if any, did you get for it?

Miss SCHULMAN. None at all.

Mr. THOMPSON. None at all?

Miss SCHULMAN. No, sir.

Mr. THOMPSON. And how often in the week or month would you be compelled to work overtime?

Miss SCHULMAN. Well, so far as a half an hour or an hour or so, that was almost every single day, and three hours or so—why, two or three hours when Monday is a bargain day; it means Sunday we have got to come in or stay later Saturdays, and that is every single week.

Mr. THOMPSON. What were supposed to be the hours of work, when did the store open, and when did the store close, and when were the clerks expected to come?

Miss SCHULMAN. The clerks are supposed to be there half an hour before the store opens.

Mr. THOMPSON. When does the store open, what hour?

Miss SCHULMAN. Half-past 8.

Mr. THOMPSON. And the clerks are expected to be there at 8 o'clock?

Miss SCHULMAN. Certainly.

Mr. THOMPSON. How much time would they have for lunch?

Miss SCHULMAN. Some stores have three-quarters of an hour or 40 minutes, and others an hour, and most of them three-quarters of an hour.

Mr. THOMPSON. Speaking now of this one store you worked at, how long did you have for lunch there?

Miss SCHULMAN. One hour.

Mr. THOMPSON. When were the stores supposed to close?

Miss SCHULMAN. Well, during the year 6 o'clock every day, and Saturdays half past 6 and 7, and Christmas time 7 o'clock.

Mr. THOMPSON. When the stores were supposed to close at 6 o'clock, did I understand you correctly that practically every day you had to work an hour or half an hour afterwards, until half past 6 or 7 o'clock arranging the stock; is that correct?

Miss SCHULMAN. Certainly.

Mr. THOMPSON. That is correct?

Miss SCHULMAN. Yes, sir.

Mr. THOMPSON. Do you know whether that is so still with reference to that store?

Miss SCHULMAN. I am positive of that.

Mr. THOMPSON. What is your information—tell us.

Miss SCHULMAN. Well, in regard to that, it is only natural that during the day you are kept busy fixing up stock and waiting on customers all day, and when new shipments come in, new stock comes in all day, you are not supposed to fuss around with that stock during the time; you are supposed to be in perfect readiness for the customers and do everything possible to promote a sale, and it is only natural that the only time you have to fix up stock and everything else and prepare for bargain sales is when the store closes. It is quicker to muss up a counter than to fix it up, and put mates of gloves and mates of shoes together, and things of that sort. And there are many customers come in at the last minute, and after pleasing them you have to spend—after the stock has been all arranged—you have to spend another hour or so waiting on her and fixing up the stock after she has left.

Mr. THOMPSON. Is that so now in Namm's store, do you know?

Miss SCHULMAN. Yes, sir; I am sure of that, because I have been in.

Mr. THOMPSON. You have been in?

Miss SCHULMAN. Yes.

Mr. THOMPSON. Do you know any of the employees there?

Miss SCHULMAN. I know about three-quarters of the employees in the store.

Mr. THOMPSON. And have you talked with them, too?

Miss SCHULMAN. Not the entire amount, but some of them.

Mr. THOMPSON. I don't mean the entire amount. I mean enough so you would know what the conditions are.

Miss SCHULMAN. Certainly.

Mr. THOMPSON. When you speak of the necessity of working overtime practically every day, were you speaking of yourself alone or also of the others?

Miss SCHULMAN. Of all.

Mr. THOMPSON. Of all?

Miss SCHULMAN. Well, general information, having worked in the store there.

Mr. THOMPSON. Well, do you want to have the commission understand that the clerks there, practically all of them, work overtime for half an hour to an hour and get no pay for it?

Miss SCHULMAN. Do you mean all the clerks every single day?

Mr. THOMPSON. Yes; practically, as I understand your testimony.

Miss SCHULMAN. Well, I mean that most of them; some one day and some another day. But there are generally clerks every single day working.

Mr. THOMPSON. About how often would each clerk—take yourself as an illustration—about how often during the week did you have to work half an hour or an hour overtime? About how many days in a week—one, two, or three?

Miss SCHULMAN. Half an hour every single day, but a little longer about three or four times a week.

Mr. THOMPSON. And would that be true of the clerks generally, that they all worked half an hour overtime?

Miss SCHULMAN. Most of them, I would say.

Mr. THOMPSON. What compensation, if any, was given to you when you worked two or three hours overtime?

Miss SCHULMAN. None at all.

Mr. THOMPSON. None at all?

Miss SCHULMAN. No.

Mr. THOMPSON. How often would you have to work two or three hours overtime?

Miss SCHULMAN. Well, almost once every week.

Mr. THOMPSON. Almost once every week.

Miss SCHULMAN. Yes.

Mr. THOMPSON. When you worked overtime two hours or three hours were you expected to be at the store at the usual time, 8 o'clock in the morning?

Miss SCHULMAN. The same time. And sometimes we had to come earlier, because if they were having some kind of sale and we did not get through putting the stock in in the two or three hours at night we had to come earlier

to get ready for the sale; and if we did not come at the proper time, we were docked or fined for it.

Mr. THOMPSON. How much were you docked and how late must you be to be docked?

Miss SCHULMAN. We can just miss the time one minute, and we could be docked for it; but if we came five minutes, we were docked an hour.

Mr. THOMPSON. Docked one hour's pay?

Miss SCHULMAN. Yes.

Mr. THOMPSON. Was there any other system of fines or docking that the firm had?

Miss SCHULMAN. Well, no.

Mr. THOMPSON. You spoke of two. You spoke of the docking for being late, and you have also spoken of having to make up any mistakes, being fined for any mistakes you made in adding bills wrong, you had to pay the difference; and then if you overadded, then you were still fined, too. What other fines existed in the store?

Miss SCHULMAN. Well, in a big rush, when there are so many customers around you don't even see the face and only see the hands—and here give me this and give me that along the line—in a general rush you have to write as quickly as you possibly can, and still write perfectly, and in a mistake on a customer—sometimes she says you have taken the wrong address, and she comes with a complaint, and you are fined a quarter for that—a wrong-address case—and you are also fined if in the general rush a customer might even come an hour or two later and claim she had given you more money than you had given her change for, then you are fined the difference. It will often average up to \$9 or \$10, and you are fined the difference.

Mr. THOMPSON. When a customer comes in and makes a complaint of that character, or of any other character, or if any of the officials of the store over you assess you with a fine, what hearing are you given as to whether you will be compelled to pay the fine? Do they ask you for your side of the case, or how is that handled?

Miss SCHULMAN. Well, sometimes they come around, the head cashier comes around, and tells you that you have made a mistake, the first time, and result is that at the end of the week you are short that much. There is a note in your envelope; but in regard to a customer coming in and claiming she has given you more money, they come down and hear your side, and she sends up to the superintendent, and the superintendent says, "Why, charge her the difference."

Mr. THOMPSON. In other words, the employee or the employees as a body have no voice in the matter of whether a fine should be assessed or not?

Miss SCHULMAN. None at all.

Mr. THOMPSON. If you objected to those fines, to whom could you appeal?

Miss SCHULMAN. To the superintendent, if he is in.

Mr. THOMPSON. Well, is it a hard matter to appeal to the superintendent, or an easy matter?

Miss SCHULMAN. Very hard matter.

Mr. THOMPSON. Was he a busy man?

Miss SCHULMAN. Most of the time he didn't desire to see you.

Mr. THOMPSON. He has charge of the store?

Miss SCHULMAN. Yes, sir.

Mr. THOMPSON. It is a large store?

Miss SCHULMAN. Quite large.

Mr. THOMPSON. How many people does it employ, if you know, about—100 or 500 or 1,000?

Miss SCHULMAN. Well, it has about six floors, five or six floors. I would say, covering clerks and all workers in the store, I should say about 2,000, almost 2,000.

Mr. THOMPSON. And the superintendent has entire charge of the work of the store?

Miss SCHULMAN. He certainly has.

Mr. THOMPSON. That is what you understand?

Miss SCHULMAN. Yes, sir; we generally understand so.

Mr. THOMPSON. He was the man to whom you had to take your appeal in case you objected to the assessment of those various fines?

Miss SCHULMAN. No, sir. We had a welfare woman whom we were supposed to go to and tell our complaints, and she sometimes spoke to the super-

intendent; but if you found that this welfare woman was not very satisfactory, we tried to go to the superintendent.

Mr. THOMPSON. Were there any other reductions in the wages of the employees?

Miss SCHULMAN. Compulsory mutual aid fund.

Mr. THOMPSON. Well, who ran the mutual aid? Was it run by the people themselves? Did they elect the officers?

Miss SCHULMAN. Not at all.

Mr. THOMPSON. The trustees?

Miss SCHULMAN. Not at all; it was simply the superintendent, the buyers, and the headmen of the store. That is about all.

Mr. THOMPSON. What freedom had the people in that, either to join or not to join the mutual aid?

Miss SCHULMAN. It was simply taken out of their salary once every month.

Mr. THOMPSON. Did anybody complain about that?

Miss SCHULMAN. I certainly did, and many others, and they called me to the office and told me if I didn't like it I could simply leave and any others could do the same thing.

Mr. THOMPSON. Did any of the employees ever get taken sick there in the store while you were there?

Miss SCHULMAN. Why, certainly; we are accustomed to seeing a girl dropping on the counter all of a sudden.

Mr. THOMPSON. What?

Miss SCHULMAN. We are accustomed to the fact of seeing girls overworked during the rush time and drop behind the counter fainting.

Mr. THOMPSON. What was done for those girls in such cases?

Miss SCHULMAN. Why, as soon as a chair came down, she was taken up to the sick room, where she was permitted to lay an hour or so, and then they thought she was sleeping and they would naturally hint that she might be missed in her department.

Mr. THOMPSON. How many nurses do they have for that store?

Miss SCHULMAN. One.

Mr. THOMPSON. One nurse?

Miss SCHULMAN. Yes, sir.

Mr. THOMPSON. About how many employees?

Miss SCHULMAN. About 2,000, I should say.

Mr. THOMPSON. There were not 2,000 women?

Miss SCHULMAN. No, sir.

Mr. THOMPSON. What was the effect, if anything, on your health? You have told of the hours. Were you compelled to stand up all the time, or were you able to sit down?

Miss SCHULMAN. If we ever dared to sit down during the quiet time, there was always fault found with our stock, so we had to be on the go all the time. Do you want me to tell in regard to the effect on my health?

Mr. THOMPSON. Yes; I mean so far as it relates or came from the work that you did, if you know?

Miss SCHULMAN. Certainly; especially this last Christmas. I will never forget that; I will never forget that. After working till the last moment, and working as hard as I ever did in my life—this season being a bad year; worse in business than the previous year—and trying to get the amount at the few counters I had charge of as high as the previous year, or about the work, I had to work as hard as I could until 7 o'clock, and I fell, fainted, and got hysterics at the last minutes.

Mr. THOMPSON. How many hours had you been working a day then—the previous time?

Miss SCHULMAN. That was before Christmas time—the last 10 days—until 7 o'clock, supposedly.

Mr. THOMPSON. You closed at 7 o'clock?

Miss SCHULMAN. The store closed at 7 o'clock.

Mr. THOMPSON. And you started up at 8 o'clock in the morning?

Miss SCHULMAN. About 8 o'clock; yes, sir.

Mr. THOMPSON. Did you have to work overtime then to fix up your stock after the store is closed?

Miss SCHULMAN. Certainly; I couldn't leave the department.

Mr. THOMPSON. About how much overtime did you have to put in before Christmas on your stock?

Miss SCHULMAN. I would put in as high as an hour and a quarter every day. Mr. THOMPSON. Then the time of your employment for the 10 days preceding Christmas would be from 8 o'clock until 8 o'clock, with about an hour off for lunch?

Miss SCHULMAN. Certainly.

Mr. THOMPSON. Did you return to work after recovering from your illness, or fainting spell?

Miss SCHULMAN. Practically recovered, and worked there a day and a half and was laid off.

Mr. THOMPSON. Then you were laid off?

Miss SCHULMAN. Yes, sir.

Mr. THOMPSON. Were you seeking for employment after that?

Miss SCHULMAN. I certainly was.

Mr. THOMPSON. Did you go to many places?

Miss SCHULMAN. I went to a few; I went to Sak's; I went to McCreery's; I went to Wanamaker's; and Oppenheim & Collins Co.; I was pretty well recommended from the last few buyers I worked for, still I couldn't secure a position in all those stores.

Mr. THOMPSON. What time of the year was this, January?

Miss SCHULMAN. Well, I was sick the first month, so I couldn't look very well in January. But in February and March.

Mr. THOMPSON. Were you looking for a place?

Miss SCHULMAN. I certainly was.

Mr. THOMPSON. Is that the time they are taking on help in the usual dry goods store—are they employing help in that time of year?

Miss SCHULMAN. Well, they are always ready to take an experienced worker on.

Mr. THOMPSON. Well, did you have any difficulty in getting employment?

Miss SCHULMAN. Well, nobody would take me in the stores.

Mr. THOMPSON. Have you any opinion as to the reason they did not take you in?

Miss SCHULMAN. I certainly have; because of my belonging to the union.

Mr. THOMPSON. Was that pretty well known, that you belonged to the union?

Miss SCHULMAN. Well, you know when you get a position in a department store, and you are experienced, why, they generally find out the previous store you worked for and ask for information in regard to your experience, and other things, and general character and conduct, and so forth, and it is only natural that it must be because I belong to the union and they let the other stores know that very quickly—

Mr. THOMPSON. Yes; but you don't understand me exactly. What I want to get at is, what you know of your own knowledge now. You have already stated why you think you were dismissed; that it was because of your belonging to the union. You stated that they said your actions were queer, they laid you off. Now, why do you think you were refused employment at the other stores, because you belonged to the union—just simply the fact that you could not get employment?

Miss SCHULMAN. Because, you see, a few of the detectives from the store I worked for knew the others in the other store and they recognized me quickly.

Mr. THOMPSON. Well, during this time did you use Mandel's store as a reference?

Miss SCHULMAN. Oh, certainly, I did.

Mr. THOMPSON. Did you ever stop referring to them in making your application for positions?

Miss SCHULMAN. This last position.

Mr. THOMPSON. And then you got a position?

Miss SCHULMAN. Immediately.

Mr. THOMPSON. Have you had any other friend that has had the same experience?

Miss SCHULMAN. Yes; and they weren't even connected with the union—just because they were friends the superintendent thought they must sympathize with the actions of the union, therefore laid them off, and they did the same thing—went to A. I. Namm's store and tried to get a place to work and could not get a position. And as soon as they stopped giving that store as a recommendation they secured positions also in a store.

Mr. THOMPSON. How many of these girls were there, about?

Miss SCHULMAN. Laid off two girls, and afterwards two more.

Mr. THOMPSON. Do you know the names of those girls?

Miss SCHULMAN. Yes; but I could not give them.

Mr. THOMPSON. Could you give them to the commission privately? I don't mean publicly here now, but would you be willing to give their names after a while—

Miss SCHULMAN. You see—

Mr. THOMPSON (interrupting). Well, you think that over. You need not answer that just now.

Are you acquainted with the general condition of the department stores in Brooklyn?

Miss SCHULMAN. Yes, sir. Do you want me to state that?

Mr. THOMPSON. Yes; tell me first how you know of the conditions. You worked at Namm's. Now, what other stores are there that you were speaking of, and what is the source of your information?

Miss SCHULMAN. Well, you see, I had first worked in two other stores, previous to A. I. Namm & Son; otherwise I would not be getting \$7 a week as an experienced clerk.

Mr. THOMPSON. What other stores did you work in, and how long did you remain there?

Miss SCHULMAN. The first store I worked in, department store, was Abraham & Strauss, Fulton Street, Brooklyn; I worked there half a year. And then I worked in Batterman's; that is on Broadway, Brooklyn. I worked there for half a year, and I left both places because of illness at the time.

Mr. THOMPSON. Those are both Brooklyn stores?

Miss SCHULMAN. Yes.

Mr. THOMPSON. Are you acquainted with the general condition in the Brooklyn stores now?

Miss SCHULMAN. After working so many years, certainly; and if you work for years in a store, you keep going there all the time.

Mr. THOMPSON. What are the general conditions of the people in the Brooklyn stores, for instance, with reference to health?

Miss SCHULMAN. In the particular store I worked for, they told you 6 o'clock. Many of the stores, especially the Broadway stores and the fine stores, would close Wednesdays and Saturdays at 7 o'clock, and often a little later. And one particular store, Batterman's, where at certain times the superintendent takes on help. He doesn't take them on in the usual way; they are supposed to make application, but he lines them up in front of him and he sizes them up and chooses the ones that he takes for a short time, and then dismisses the girls. The girls are dismissed at any old time. They never know when they are going to be dismissed. They get their salary and they get a slip in their envelope saying that their services are no longer required, no matter how long they have been there. And when a girl has worked there some years and finally received a bit of a raise, why, she is always expecting to be laid off any time. And they have a general firing system, and these little children, 14 and 15, and some question of their age of 14, are running there as messengers and cash girls and stock girls there, at the bid of everybody. Why, the sales clerk has everything to say to them, to tell her to run checks, to bring parcels over to the wrapper, and give it to the wrapper—the floorwalker has everything to say to them. And then there is the floorwalker; the floorwalker has everything to say to her to get her to run messages right along, and so with everybody. Everybody has a say to the child. She has got to go for everybody, and she only gets \$3 a week; and the stock girls, who are dusting stock and assisting, even in waiting on customers, and running up and down for stock to get the stock ready in case things are not in place at the counter, and lots of other work, and to assist the head stock clerk in their work. They are very little girls and they work hard. I would sometimes say that they work much harder than the sales clerks themselves. And we hear that they work shorter hours, but they certainly do not. They work to the last minute.

Mr. THOMPSON. Do you think the girls would be willing to appear as witnesses here, or would they be afraid to appear?

Miss SCHULMAN. Certainly would be afraid.

Mr. THOMPSON. Why would they be afraid to appear?

Miss SCHULMAN. Because they would lose their positions.

Mr. THOMPSON. Are there girls willing to tell of the conditions to the inspectors?

Miss SCHULMAN. Oh, no; because the assistant superintendent walks alongside of the inspector, and if they dare to tell other than what the superintendent wants them to tell they would soon be laid off, even that very day or the next day.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Any questions?

Commissioner GARRETSON. Did you ever receive any overtime while you worked at Natam's?

Miss SCHULMAN. Never.

Commissioner GARRETSON. Never. Or any meal allowance?

Miss SCHULMAN. Never.

Commissioner GARRETSON. In case of sales girls, are they fined in case they make an error in change, and are they compelled to make restitution of the amount and furnish it from their wage?

Miss SCHULMAN. Simply it is taken out of their salary; that is all.

Commissioner GARRETSON. Are the cashiers also fined for errors in change?

Miss SCHULMAN. I should say so, especially in the crowded Christmas season. I know of girls during the Christmas time that were \$10 or so docked.

Commissioner GARRETSON. Have you ever known both the sales girl and the cashier both to be docked for the same amount—same offense?

Miss SCHULMAN. Oh, no; it is either one or the other.

Commissioner GARRETSON. One or the other, but they don't nail them both?

Miss SCHULMAN. No; they don't do that so far.

Commissioner LENNON. I would like to know how long you were a member of the union before you were discharged?

Miss SCHULMAN. But from the very beginning.

Commissioner LENNON. I know; but when was that.

Miss SCHULMAN. I can't—

Commissioner LENNON (interrupting). About how long? I don't care to a day.

Miss SCHULMAN. Well, over a year.

Commissioner LENNON. Were you an officer in the union?

Miss SCHULMAN. No, sir.

Commissioner LENNON. What reason have you to hold that you were discharged for being a member of the union? What is it that convinced you that that is the reason?

Miss SCHULMAN. Simply because when I came in, after I was dismissed, to see some of the girls whom I liked, the floorwalker asked the other girls what I was doing there; talking organization again—making trouble?

Commissioner LENNON. Well, did you make any trouble before you were discharged?

Miss SCHULMAN. None at all. Why, the buyer kicked as much as he could to get me back.

Commissioner LENNON. I want to ask you something about—I understood you to say that if a customer came in after making a purchase—perhaps an hour or so, or more or less time—and claimed that they gave you more money than you returned change for, that it had to be made good. Do you think that that was the general policy of the store, to take the word of the customer that came in that way, or did they give a hearing to the clerk?

Miss SCHULMAN. They asked her her side of the case, but they always told the customer that it would be made good, and they simply charged the amount to the girl. I was even charged last summer \$4.

Commissioner LENNON. Well, does it often occur, that kind of thing, in the stores? Did you ever hear of it, besides your own case of \$4?

Miss SCHULMAN. Oh, certainly; accustomed to it.

Commissioner LENNON. Well, that seems to a man up a tree that that is a pretty good store for the speculators—that they would have nothing to do but go and get money. That is all.

Chairman WALSH. How many young ladies were employed; how many girls altogether employed there?

Miss SCHULMAN. I don't know the exact figure, but—

Chairman WALSH. Well, approximately?

Miss SCHULMAN. About a thousand, I would say.

Chairman WALSH. Are there any other stores under their names; have they any other stores that that particular firm is connected with, in New York or elsewhere?

Miss SCHULMAN. Not that I know of.

Chairman WALSH. Have they any connection with any other store?

Miss SCHULMAN. I have no information in regard to that.

Chairman WALSH. That is all, thank you.

Call your next, Mr. Thompson.

Mr. THOMPSON. I will call Mr. Little.

TESTIMONY OF MR. GEORGE LITTLE.

Mr. THOMPSON. Mr. Little, will you please give us your name and your address?

Mr. LITTLE. George Little, 871 Glenmore Avenue.

Mr. THOMPSON. And your occupation?

Mr. LITTLE. Carpet cutter.

Mr. THOMPSON. Working now?

Mr. LITTLE. Yes, sir.

Mr. THOMPSON. Where?

Mr. LITTLE. Madison Carpet Co.

Mr. THOMPSON. That is in New York?

Mr. LITTLE. Yes, sir.

Mr. THOMPSON. Were you ever employed in one of the department stores in New York?

Mr. LITTLE. Yes, sir.

Mr. THOMPSON. When were you employed, and in what store?

Mr. LITTLE. In Siegel-Cooper's, about two years ago.

Mr. THOMPSON. How long did you work with them, and what occupation did you have with them?

Mr. LITTLE. Carpet cutter; about a year and a half I worked there.

Mr. THOMPSON. What time of the year was it when you left their employment?

Mr. LITTLE. February.

Mr. THOMPSON. 1913?

Mr. LITTLE. 1912.

Mr. THOMPSON. That is two years ago?

Mr. LITTLE. Yes, sir.

Mr. THOMPSON. Why did you leave?

Mr. LITTLE. Well, I got involved with a man that was doing some crooked work.

Chairman WALSH. What is your name?

Mr. LITTLE. George Little.

Chairman WALSH. Try to speak a little louder. We can not catch what you say.

Mr. THOMPSON. What was the reason for your discharge?

Mr. LITTLE. Well, there was a man doing crooked work, and we were involved with it.

Mr. THOMPSON. What was the man and what was the crooked work, and how did it involve you?

Mr. LITTLE. Well, we got goods—my own particular case. I can state for my own case that I bought \$50 or \$60 worth of goods, and I was having them sent out, and this man approached me about putting some lining in my carpets, so it kind of appealed to me, so I said, "Go ahead, if you want to," and he put 18 yards of lining in my carpet. He had been doing crooked work right along, so when it got out and he told what he had done, and so in other cases, so he told about me. So I was called down, and I had to acknowledge that I had done it; so I paid for it and got discharged.

Mr. THOMPSON. What did you do after that?

Commissioner LENNON. What is crooked about that?

Mr. THOMPSON. I think this is clear, that, from the testimony of the witness, that he bought \$50 or \$60 worth of carpet from his own store, and the man there that was doing that crooked work gave him 18 yards of lining, and he took it without paying for it; and then the firm found it out, and he did pay for it; and then, after that, he was discharged.

Chairman WALSH. He was discharged?

Mr. LITTLE. Yes, sir.

Mr. THOMPSON. What about the other men with you?

Mr. LITTLE. Well, they were discharged, too.

Mr. THOMPSON. What had they been guilty of doing?

Mr. LITTLE. Well, they bought goods and paid this man, and he pocketed the money instead of turning it in.

Mr. THOMPSON. Well, did they buy goods in the regular way prescribed by the firm for employees to purchase goods?

Mr. LITTLE. Yes; but where they were in error, they gave him the money, thinking he would turn it in, and instead of him turning it in he put it in his own pocket.

Mr. THOMPSON. Well, in your case, at least, you knew you were not paying for the goods?

Mr. LITTLE. Yes; he approached me, and it appealed to me at the time, and I, like a fool, fell for it.

Mr. THOMPSON. Well, what did you do? Did you search for a job after that?

Mr. LITTLE. Yes, sir.

Mr. THOMPSON. Tell what you did and where you went, and how often.

Mr. LITTLE. I went to Stern Bros., and I worked there a week, and they discharged me.

Mr. THOMPSON. Where is that?

Mr. LITTLE. Stern Bros.

Mr. THOMPSON. Did they tell you any reason for discharging you?

Mr. LITTLE. No; only the foreman told me my reference was not satisfactory.

Mr. THOMPSON. Now, how long have you been working as a carpet layer?

Mr. LITTLE. In the carpet business?

Mr. THOMPSON. Yes; as carpet cutter and layer?

Mr. LITTLE. Fifteen or twenty years.

Mr. THOMPSON. Did the firm of Greenhut-Siegel & Cooper find any fault with your work?

Mr. LITTLE. No, sir.

Mr. THOMPSON. You may state whether you consider yourself a good workman at your trade.

Mr. LITTLE. According to the foreman, I was. He had nothing to find fault with, and everybody sympathized with me and thought I had been led into it.

Mr. THOMPSON. Generally, was your work found fault with, or was it satisfactory to the people you did work for?

Mr. LITTLE. No, sir; never found fault with; never.

Mr. THOMPSON. About how much was this lining you took worth?

Mr. LITTLE. About 10 cents a yard.

Mr. THOMPSON. About \$1.80?

Mr. LITTLE. Yes, sir.

Mr. THOMPSON. Then where else did you apply for work?

Mr. LITTLE. In Loeser's, in Brooklyn.

Mr. THOMPSON. Did you get work there?

Mr. LITTLE. Yes, sir; and worked there a week.

Mr. THOMPSON. Then what did they tell you?

Mr. LITTLE. Told me my references were not satisfactory, and the foreman told me he never could employ me again.

Mr. THOMPSON. Tell you why your references were not satisfactory?

Mr. LITTLE. No, sir.

Mr. THOMPSON. Did he tell you from whom the reference came?

Mr. LITTLE. No, sir.

Mr. THOMPSON. Of course, you understood what it was?

Mr. LITTLE. Yes, sir.

Mr. THOMPSON. Did you seek work anywhere else?

Mr. LITTLE. Well, no; I jobbed around different places, and then I eventually got with a firm, and that firm went out of business.

Mr. THOMPSON. Now, a little more in detail about that. Did you go to other firms in this city to get work?

Mr. LITTLE. Why, no; I lost heart then and thought I was done for when I got turned down in two houses, and I thought there was no use of my going any place else; so, of course, I went to nonunion houses then.

Mr. THOMPSON. What houses did you go to?

Mr. LITTLE. I went to Sheppard-Knapp's, and I stayed there until the firm went out of business.

Mr. THOMPSON. How long was that?

Mr. LITTLE. At Sheppard-Knapp's—I worked there about four months or five months.

Mr. THOMPSON. Then what did you do?

Mr. LITTLE. Well, then I had another long siege of loafing.

Mr. THOMPSON. Did you seek work at any of the union houses, as you call them?

Mr. LITTLE. No, sir; because I happened to get into this Sheppard, Knapp & Co. during the busy season, so that there was no use applying to any place after the slack season came on, and a year or two ago I got into this Madison Carpet Co.

Mr. THOMPSON. When you were working—you stated you got places at two stores?

Mr. LITTLE. Yes, sir.
 Mr. THOMPSON. Did you apply at other stores when you were not employed?
 Mr. LITTLE. No, sir.
 Mr. THOMPSON. In regard to the case of the other men, you think that they did not know that the money was being stolen by the person they bought the goods from?
 Mr. LITTLE. They knew absolutely nothing about it.
 Mr. THOMPSON. They knew nothing about it?
 Mr. LITTLE. No, sir.
 Mr. THOMPSON. Were you all together there and fired all together?
 Mr. LITTLE. No, sir. We were taken into the office one at a time before the house detective.
 Mr. THOMPSON. But you were fired on the same day?
 Mr. LITTLE. Well, two or three of us were fired the same day. I was brought down one day and discharged the next.
 Mr. THOMPSON. Well, do you know anything about the cases of the other men as to how they were heard?
 Mr. LITTLE. I am not positive about the particulars of that, only that they bought these remnants and paid the man.
 Mr. THOMPSON. Well, are there any of these other men that know anything about it?
 Mr. LITTLE. One of them will be here; yes, sir.
 Mr. THOMPSON. Who was the judge in the case of your discharge?
 Mr. LITTLE. Nobody but the house detective.
 Mr. THOMPSON. Who was the judge, if you know, in the cases of the discharge of the other men?
 Mr. LITTLE. The same man.
 Mr. THOMPSON. What appeal is allowed from him, if you know; to what officers of the firm, by the firm?
 Mr. LITTLE. I don't know of any.
 Mr. THOMPSON. Well, did you try to take your case higher?
 Mr. LITTLE. I was told—the buyer told me that he felt that I was innocent, and that he was going to do what he could for me. He went higher, but they told him that I would have to take mine like the rest of them.
 Mr. THOMPSON. That is all.
 Chairman WALSH. Call your next.

TESTIMONY OF MR. CHARLES A. BIGELOW.

Mr. THOMPSON. Will you give us your name and your address?
 Mr. BIGELOW. Charles A. Bigelow, 443 Sheppard Avenue, Brooklyn.
 Mr. THOMPSON. What is your occupation?
 Mr. BIGELOW. Carpet layer.
 Mr. THOMPSON. Are you working now?
 Mr. BIGELOW. Yes, sir.
 Mr. THOMPSON. Do you care to tell where, or would you rather not?
 Mr. BIGELOW. Walker Histed.
 Mr. THOMPSON. Did you ever work at Siegel-Cooper's?
 Mr. BIGELOW. I did.
 Mr. THOMPSON. How long did you work for them, and when did you leave their employment and how?
 Mr. BIGELOW. I worked for them about two years. I left about two years ago in February. I got a piece of moleskin, a remnant, and paid——
 Mr. THOMPSON (interrupting). What?
 Mr. BIGELOW. I bought a piece of moleskin of the cutter up there, and paid for it at the remnant price, and it was supposed to be sent out to my house, which it was.
 Mr. THOMPSON. Was it delivered out there by the company's wagon?
 Mr. BIGELOW. Yes, sir.
 Mr. THOMPSON. In the regular way?
 Mr. BIGELOW. Yes, sir.
 Mr. THOMPSON. In the regular way.
 Mr. BIGELOW. I had little doubts of the man that sent it out. He was off on a little spree, and I had a little doubt about it getting there, and so I inquired and they could not find any record of it.
 Mr. THOMPSON. Where did you inquire, and who could not find the record of it?

Mr. BIGELOW. I inquired of Mr. Little over the phone. Mr. Little answered the phone that time; he told me he could not find it, and he——

Mr. THOMPSON (interrupting). Was Mr. Little the man who has just been on the stand here?

Mr. BIGELOW. Yes, sir. Then he inquired of the foreman, Mr. Bates, and Mr. Bates could not find a record of it, and the next morning he said to me, "Did you get your linoleum?"

Mr. THOMPSON. Who said that?

Mr. BIGELOW. Mr. Bates.

Mr. THOMPSON. The foreman?

Mr. BIGELOW. Yes.

Mr. THOMPSON. Was this the man you bought this from?

Mr. BIGELOW. No, sir; Mr. Bates is the foreman. I bought this from the cutter.

Mr. THOMPSON. What was his name?

Mr. BIGELOW. Oliver. And he said, "Well, I wish you had not gone to Oliver," he said, "for that linoleum; you should have come to me." Well, I said, "I was in a hurry at the time, and so I asked him if he would give it to me, and I paid him for it." Well, he said, "I can not find no record of it." A night or two after that Mr. Little stopped at my house and asked if I had the ticket which came with the linoleum, and I said "Yes; I guess so," and I went upstairs and got it and gave it to Mr. Little, and he gave it to Mr. Bates.

Mr. THOMPSON. What kind of a ticket was that, and who makes out these tickets?

Mr. BIGELOW. Usually the salesmen make them out, and it was simply——

Mr. THOMPSON. Well, who made it out in this case?

Mr. BIGELOW. Mr. Oliver made it out.

Mr. THOMPSON. Was it the regular form used by the firm?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. Go ahead; complete your story.

Mr. BIGELOW. And so Mr. Bates tried to trace it, and he finally came down into the office; and a day or so after that Mr. Bates came to me and said you are wanted in the office; he said they can't find no charges or any money being paid. I went down to the office and confronted the house detective, Mr. Barnett, and he put me through the third degree there—asked me about it—and I told him I bought it from him (Oliver). He asked me if I had paid for it, and I said yes. So he called Mr. Oliver down; and Mr. Oliver denied it at first, and finally he acknowledged that he had; and they asked him where the money was for it, and he said he had it in his pocket; he put it in his pocket and spent it. Then he said, there is all of you carpet layers up here that are getting little remnants of me off and on, and he said you have been trying to induce me into selling goods below cost. All that sort of business. And he said, "I am going to expose you."

Mr. THOMPSON. Oliver said this?

Mr. BIGELOW. Oliver said this to Mr. Barnett. And with that he pulled out his little pocketbook and gave the date where he had shipped a piece of goods to this one and a piece of goods to that one; and, of course——

Mr. THOMPSON. Had he shipped any goods to you?

Mr. BIGELOW. He had previous to that.

Mr. THOMPSON. Did you pay for those goods or not?

Mr. BIGELOW. Why, I paid what he asked me. The first mess of goods that came out to my place, I bought 10 yards of lining, and when I opened it I found there was 12 yards. I said nothing about it, of course.

Mr. THOMPSON. Well, when you bought these goods from Oliver did you follow the usual practice of the employees in buying goods in that store?

Mr. BIGELOW. Well, I afterwards found that it was the habit, of course, to go to the salesman, Mr. Barnett. He said to me, "Who authorized you to trade with one of the workmen here?" "Well," I said, "there is others been doing it; it was very much quicker stepping over to a man on the floor with you and saying, 'Will you please cut off so much for me, and here is the money for it, and send it out to my house,' rather than to go downstairs and hunt up the salesman."

Mr. THOMPSON. Well, when employees buy goods from a store do they get a receipt ticket like anybody else?

Mr. BIGELOW. No, sir; nobody gets a receipt ticket that I know of.

Mr. THOMPSON. Or a sales ticket, whatever you call it?

Mr. BIGELOW. Not that I know of.

Mr. THOMPSON. Go ahead. What occurred down there?

Mr. BIGELOW. He said, "What did you pay for that paper?" I said, "I gave him a half dollar for 10 yards;" and he said, "And you got 12." I said, "I did." He said, "Then," he said, "you bought some linoleum," he said, "a little while later than that to go down to a little summer place of mine;" and I said, "I did;" and he said, "What did you pay for that?" and I told him as near as I could remember, and he told me that I should have gone down to the salesman. And then about the other goods, why, of course, that I bought, why that is how he happened to find out that Oliver was selling these goods and keeping the money. Then he said, "You know that goods is worth more than you paid for it." I said, "They were having a sale of that goods on that day that I bought, and I paid the sale price." "Well," he said, "You know that was regular stock." I said, "I knew nothing of the kind." Oliver said that he cut it off the regular stock for me. Well, in order to get out of it they told me I would have to pay the difference between that linoleum and the extra yard or two of lining that I had sent out before they would give me my money.

Mr. THOMPSON. How much was that?

Mr. BIGELOW. Well, I don't remember now, but it was not—it was around a couple of dollars, I guess; something like that. So upon that, why, I said, "You have got the best of it, of course; I shall have to do so." So he took the difference, as he said. I paid—I had to pay for a remnant what I should have got regular goods for; perfect goods. I got imperfect goods and was paying the price the perfect goods was worth, and instead of getting that I was obliged to pay for good goods.

Mr. THOMPSON. Well, what occurred then? Were you discharged?

Mr. BIGELOW. Then I was discharged.

Mr. THOMPSON. Did he give you any reason other than these things you have stated?

Mr. BIGELOW. Nothing at all.

Mr. THOMPSON. Who decided as to the proper amount you were to pay?

Mr. BIGELOW. Mr. Barnett.

Mr. THOMPSON. He is the house detective?

Mr. BIGELOW. The house detective.

Mr. THOMPSON. Did you try to take your case any higher?

Mr. BIGELOW. Well, I tried to see whether the foreman, Mr. Bates, could intercede or do anything, and he said he could not. He said, "It is out of my hands."

Mr. THOMPSON. Was there any method or rule by which employees of that firm might take the question higher; the question of their discharge or abuses higher up?

Mr. BIGELOW. Not that I know of.

Mr. THOMPSON. Did the store detective settle all such cases as that?

Mr. BIGELOW. He did in our case, and I guess he did in all cases that I know of, of that kind.

Mr. THOMPSON. Did you seek for another job elsewhere?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. Did you get one?

Mr. BIGELOW. I obtained employment in Stern Bros. for a week, and at the end of a week I was told my services were no longer required, and I went up to the foreman and I asked him the cause of it, and he said my reference was not good, satisfactory.

Mr. THOMPSON. Did they need workers at that time?

Mr. BIGELOW. How is that?

Mr. THOMPSON. Did they need workers in your department at that time?

Mr. BIGELOW. Yes, sir; they were busy with the new store.

Mr. THOMPSON. Did you go anywhere else and get a position?

Mr. BIGELOW. I then obtained a position in Wanamaker's, and I worked there a week, and then I was told the same thing; my services were no longer required. I asked the foreman in regard to it. He said, "It seems to be the reference was unsatisfactory."

Mr. THOMPSON. He did not tell you exactly what it was?

Mr. BIGELOW. Well, he said that was all that they could come to the conclusion about.

Mr. THOMPSON. How long were you out of employment?

Mr. BIGELOW. Well, all told, about seven or eight months.

Mr. THOMPSON. Are you a married man?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. Any children?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. Where, finally, did you get employment?

Mr. BIGELOW. At Walker & Heisler.

Mr. THOMPSON. Are you working there now?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. What wages did you get at Greenhut's, and what are you receiving now?

Mr. BIGELOW. Twenty-seven dollars at Greenhut's.

Mr. THOMPSON. What?

Mr. BIGELOW. Twenty-seven dollars at Greenhut's; twenty-two dollars now.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Are there any questions?

Mr. THOMPSON. Well, there is another question I would like to ask.

Wasn't it unusual to buy from anyone but a regular salesman?

Mr. BIGELOW. I afterwards understood that it was unusual—that that is where I done wrong.

Mr. THOMPSON. How long were you working at the store previous to this time?

Mr. BIGELOW. Well, about two years.

Mr. THOMPSON. About two years?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. During that time had you seen any employees buying goods there?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. In other departments?

Mr. BIGELOW. No, sir; not in other departments.

Mr. THOMPSON. Had you ever heard of employees in other departments talking about it—heard them talking about it?

Mr. BIGELOW. No, sir.

Mr. THOMPSON. Never?

Mr. BIGELOW. No, sir; not of any other departments.

Mr. THOMPSON. You say when you bought this you believed you were following the regular custom?

Mr. BIGELOW. I believed I was doing perfectly right; yes, sir.

Mr. THOMPSON. Are not employees entitled to a discount on purchases?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. Or were then?

Mr. BIGELOW. I believe they were entitled to it.

Mr. THOMPSON. What is the basis of your belief, and when did you hold that belief?

Mr. BIGELOW. As I understand it was always customary, the same as in every other department store—the employees were entitled to from 5 to 10 per cent.

Mr. THOMPSON. Did you understand that previous to this time?

Mr. BIGELOW. No, sir; not exactly in that particular store I did not.

Mr. THOMPSON. I mean, did you sort of have that opinion?

Mr. BIGELOW. I did; yes, sir.

Mr. THOMPSON. How were you going to get this discount, then, when you paid the money directly over the counter?

Mr. BIGELOW. When you are buying irregular goods, damaged goods, or remnants they are sold below the regular prices, therefore you are not entitled to any discount; therefore I looked for no discount. I was getting the goods, say, for instance, that is worth \$1 for 80 cents. I couldn't hardly expect a discount on top of that.

Mr. THOMPSON. Take this linoleum, what kind of goods was that?

Mr. BIGELOW. Well, it was print goods. It was worth, probably, \$1.

Mr. THOMPSON. Was it taken right out of stock?

Mr. BIGELOW. No, sir; this was remnants. It was what was left off a yards roll, say, 10 or 12 yard pieces.

Mr. THOMPSON. How many yards were there in your piece?

Mr. BIGELOW. The first piece, about, I guess, it was about 15 yards.

Mr. THOMPSON. About 15 yards?

Mr. BIGELOW. Yes, sir.

Mr. THOMPSON. Was that a remnant?

Mr. BIGELOW. Yes, sir; that was. That was in two pieces.

Mr. THOMPSON. Two pieces?

Mr. BIGELOW. Yes, sir; the both pieces probably would measure about 15½ yards. One piece was damaged—the smallest piece. The last piece that I

got, of course, that was about 12 yards, if I remember right, 11 or 12 yards; that was in good condition.

Mr. THOMPSON. But was that taken off of stock or where?

Mr. BIGELOW. Oliver claims he cut it off stock, but I asked him to sell me a remnant.

Mr. THOMPSON. At the time did you know whether he sold you a remnant or did you know whether he cut it off stock?

Mr. BIGELOW. I couldn't say that.

Mr. THOMPSON. You couldn't say that?

Mr. BIGELOW. No, sir.

Mr. THOMPSON. What did you pay for that piece of goods?

Mr. BIGELOW. It came, I think, to \$3.22, I believe.

Mr. THOMPSON. What was the regular price of that goods?

Mr. BIGELOW. Probably about \$4.25.

Chairman WALSH. Mr. Witness, I would like to ask you a question

In what purchase was it that you say you discovered a larger amount than what you had purchased after the goods got to your home?

Mr. BIGELOW. Ten yards of lining.

Chairman WALSH. Was that the first purchase or the second?

Mr. BIGELOW. That was the first purchase.

Chairman WALSH. The first purchase?

Mr. BIGELOW. Yes, sir.

Chairman WALSH. And you purchased how much?

Mr. BIGELOW. I asked for 10 yards of lining and I got 12.

Chairman WALSH. And you got 12?

Mr. BIGELOW. Yes, sir.

Chairman WALSH. How much per yard?

Mr. BIGELOW. Ten cents.

Chairman WALSH. You said, of course, you did not say anything about that. Why didn't you say anything about it?

Mr. BIGELOW. I thought possibly if it was a mistake, all right. If it was intentional, I might get another man into trouble.

Chairman WALSH. Your conclusion from all this matter is that the concern with which you worked and with which you had this trouble communicated the circumstances to those other firms at which you applied for employment?

Mr. BIGELOW. Yes, sir.

Chairman WALSH. You were asked in those other places where you had formerly worked, of course, and you gave those places?

Mr. BIGELOW. Yes, sir.

Chairman WALSH. And you stated all of these facts that you have given here to the gentleman who examined you at this place where you worked, where you were working, did you?

Mr. BIGELOW. What do you mean?

Chairman WALSH. All the facts that you have given here you gave to the man that examined you before you were discharged?

Mr. BIGELOW. Yes, sir.

Chairman WALSH. So your conclusion is that when you referred to this house, the places at which you made the application, called upon your reference and were told this story that you have told, and that you were therefore discharged?

Mr. BIGELOW. That is about the idea.

Chairman WALSH. I think that is all.

Commissioner O'CONNELL. What became of the man who sold you those goods?

Mr. BIGELOW. He was discharged, with the understanding that he leave the city and never come in again.

Commissioner O'CONNELL. How do you know that?

Mr. BIGELOW. I understand that from Mr. Bates, the foreman of the Greenhut-Siegel-Cooper Co.

Commissioner O'CONNELL. What was the other gentleman's name?

Mr. BIGELOW. Oliver.

Commissioner O'CONNELL. Oliver?

Mr. BIGELOW. Yes, sir.

Commissioner O'CONNELL. Mr. Bates told you Mr. Oliver was discharged with the understanding—in other words, he was not prosecuted?

Mr. BIGELOW. No, sir.

Commissioner O'CONNELL. If he would leave the city, he would not be prosecuted?

Mr. BIGELOW. Yes, sir; and not return.
 Commissioner O'CONNELL. Has he left the city, do you know?
 Mr. BIGELOW. How?
 Commissioner O'CONNELL. Has he left the city, do you know?
 Mr. BIGELOW. He left the city and went to Jersey awhile, and a short time ago he came back again and made a visit to the store on a pay day and went through some of the men's clothes up there.
 Commissioner O'CONNELL. Who is Mr. Bates?
 Mr. BIGELOW. Foreman of the carpet workroom.
 Commissioner O'CONNELL. Now?
 Mr. BIGELOW. Yes, sir.
 Commissioner O'CONNELL. At this store?
 Mr. BIGELOW. Yes, sir.
 Commissioner O'CONNELL. What is his full name?
 Mr. BIGELOW. George Bates.
 Commissioner O'CONNELL. George Bates?
 Mr. BIGELOW. Yes, sir.
 Chairman WALSH. Commissioner Commons would like to ask you a question.
 Commissioner COMMONS. When you applied to Stern's and Wanamaker's did you sign an application?
 Mr. BIGELOW. I did.
 Commissioner COMMONS. And in that did you give references?
 Mr. BIGELOW. I did, but I left out Greenhut's-Siegel & Cooper's for a reference.
 Commissioner COMMONS. Siegel & Cooper's was where you had been?
 Mr. BIGELOW. Where I had been at the time——
 Commissioner COMMONS (interrupting). You did not refer to them?
 Mr. BIGELOW. I did not refer to them; no, sir.
 Commissioner COMMONS. What other reference did you give to Stern's and Wanamaker's?
 Mr. BIGELOW. I gave in Wanamaker's, I gave Greenhut-Siegel & Cooper's.
 Commissioner COMMONS. But you did not give Stern's?
 Mr. BIGELOW. But I did not give Stern's; well, I did not work in Stern's until after I left Wanamaker's.
 Commissioner COMMONS. Then, Stern's did not have from you a reference to Siegel & Cooper's?
 Mr. BIGELOW. No, sir.
 Commissioner COMMONS. And that was the place from where you had been discharged on account of taking this extra——
 Mr. BIGELOW. Yes, sir.
 Commissioner COMMONS. How long after you were employed at Stern's were you told that your references were not good?
 Mr. BIGELOW. I was told the very next day, when I went up and asked the foreman why I was discharged.
 Commissioner COMMONS. You had been working there about a week?
 Mr. BIGELOW. One week.
 Commissioner COMMONS. If you did not give them the reference how did they get it?
 Mr. BIGELOW. I couldn't say. Of course, as I understand, there is a dry-goods association that all these references go to from every store, and when you apply in another store, this store refers them to the dry-goods association, and they hand it out to you, good or bad.
 Commissioner COMMONS. Why did you give the reference to Wanamaker and not give it to Stern's?
 Mr. BIGELOW. Well, Mr. Little had had an experience in Stern's, where he gave his reference of Greenhut-Siegel & Cooper, and so we thought I would see whether it did come from the association, to prove it in our own minds; therefore I alienated the Greenhut-Siegel & Cooper matter, but when I was in Wanamaker's the foreman told me, "I wish you would put that down Greenhut-Siegel & Cooper, and if there is anything comes up about it, I will go down and try to make a fight for you."
 Chairman WALSH. You did expect, however, that those stores would have some sort of data upon instances of dishonesty upon the part of the employees, so that others may inquire about it and be informed? You expected that, didn't you, regardless of what other data they kept?
 Mr. BIGELOW. I presume it is so.
 Chairman WALSH. That is all; thank you.
 Call your next witness, Mr. Thompson.

TESTIMONY OF MR. THOMAS L. GOODWIN.

Mr. THOMPSON. Give your name, address, and occupation, if you please.

Mr. GOODWIN. Thomas L. Goodwin. I reside at 1920 Anthony Avenue, in The Bronx. My occupation at the present is a clerk.

Mr. THOMPSON. Have you ever worked in department stores?

Mr. GOODWIN. Yes, sir.

Mr. THOMPSON. What stores have you worked in?

Mr. GOODWIN. I have worked for four or five of them.

Mr. THOMPSON. Well, what was the last store you worked in, and how long did you work there, and what work did you do?

Mr. GOODWIN. The last store I worked at was Kesner; I worked there about two months, when I resigned to take another position.

Mr. THOMPSON. What work did you do there?

Mr. GOODWIN. I was floor man there.

Mr. THOMPSON. Where did you work before that?

Mr. GOODWIN. Before that was Rothenberg & Co., the Fourteenth Street store. I was there two different times. I resigned one time, because I was sick, but all told I was there about three and a half years as floor man. Prior to that I was with Saks & Co.

Mr. THOMPSON. What did you do there?

Mr. GOODWIN. I had the complaint department there.

Mr. THOMPSON. How long were you there?

Mr. GOODWIN. Well, I was with Saks; I don't know. I don't know whether it was two or three years. I had the complaint department for part of the time there, and afterwards I was transferred to the cloak and suit department, in which they made a special complaint department.

Mr. THOMPSON. Of which you had charge?

Mr. GOODWIN. Of which I had.

Mr. THOMPSON. How long were you there?

Mr. GOODWIN. I think I was there three years with Saks; I am not certain as to the time.

Mr. THOMPSON. What work did you do where did you work before that time, and what place?

Mr. GOODWIN. Before that I was with Simpson-Crawford, in the complaint department.

Mr. THOMPSON. For how long?

Mr. GOODWIN. I was with Simpson-Crawford for two years, something along there, two years and a half or two years, and then before that I was with Wanamaker, I think four years or four years and a half, with Wanamaker in the complaint department.

Mr. THOMPSON. In the complaint department?

Mr. GOODWIN. Yes, sir.

Mr. THOMPSON. So, roughly, you have somewhat over 10 years' experience in the complaint department?

Mr. GOODWIN. Yes, sir; I think I know the complaint department about as well as anybody.

Mr. THOMPSON. What is the complaint department? What is the nature of the work there?

Mr. GOODWIN. The nearest definition I could give of the complaint department is a certain bureau or part of the department store in which all adjustments as between the firm and the customer, or the firm and the employees, are settled. That is about as concise a meaning as I can give for a complaint department. Of course, I could go into detail and give you a hundred different things they do.

Mr. THOMPSON. When those complaints come in and are to be adjusted, how, generally, are they adjusted? What do they do?

Mr. GOODWIN. You mean, of course, the complaints--as to what course the complaint takes? Is that what I understand from your question?

Mr. THOMPSON. Yes.

Mr. GOODWIN. Of course, all complaints are different. There are two separate classes of complaints. There are personal complaints made by the individual customer to the department, and there are the mail complaints. They are taken--the personal complaints are taken, usually, by a clerk at the window, who, in turn, assigns them to a tracer to adjust--to look them up, in other words. Mail complaints are entered in a register and kept track of, of course, and are traced by a tracer also.

A tracer is one who takes the complaint from the time of its beginning, or its inception into the building, and runs that down to find out what became of that particular article or articles of which that customer has made a kick. That is traced down. The tracer finds it, and in the majority of the cases he finds a line on it, at least.

Mr. THOMPSON. Where those complaints involve the work or the action of an employee, what becomes of it?

Mr. GOODWIN. Well, the action of an employee, of course, all complaints are due to the actions of the employees, whether it is through carelessness, or they don't know any better, or a few other things of that kind, or through over-work, it is all due to an action of the employee, or else there would not be a complaint department, there would not be any necessity for it if they did not make mistakes.

Mr. THOMPSON. What about complaints about quality of goods?

Mr. GOODWIN. They, as a general thing, are assigned over to the buyer of the department.

Mr. THOMPSON. Take complaints—personal complaints. What do you do then?

Mr. GOODWIN. The tracer is assigned to where the error has occurred; that is, as to who is the cause of the error, and that is the duty of the complaint clerk; while he must find the package and satisfy the customer, he must adjust it in a manner to know who is responsible for that error.

Mr. THOMPSON. Well, he looks it up?

Mr. GOODWIN. Yes, sir.

Mr. THOMPSON. And how, usually, are his decisions made? What is done with the employee? What hearing is he given?

Mr. GOODWIN. The employee does not come into the question at all.

Mr. THOMPSON. He does not?

Mr. GOODWIN. No, sir. The tracer does that. The tracer takes that complaint and goes out; for instance, if you say that you bought something and you did not receive it, you bought it—you bought two waists—that is the only way I can explain it exactly. If you bought two waists, one of which you did not receive, and you wrote a letter of complaint in, or came in personally and made your complaint, that would have to be adjusted by the complaint department. In some stores they allow foremen to do it, but as a general thing the complaint clerk does it. He goes to the delivery sheets and he knows what route that would be on from the address, and from that he goes through the sheet, and he finds the department that must correspond with the waists and sales number, and he goes upstairs to the auditing department and gets a duplicate or copy, tissue copy, whichever system is being used. After he looks that up he finds—he knows from that check—he knows who has wrapped that particular package, she either marks it with a stamp or a crayon on the back, and she mentions how many packages she puts in. If there is only one in, and there is nothing in over goods that will correspond on that date with the article that you want, then, of course, I charge it to the inspector for the value of the waist. Some of the stores will allow them a discount, and other stores will allow them an inside price and discount; that is to say, they will allow them pretty nearly the cost. That is the way we have to find out if they have left out a package.

A wrong addressed package is a different thing. Very many times, in Manhattan more so than elsewhere, I think, a customer will give a wrong address herself, in spite of the fact that clerks are instructed to repeat always the address. They do, but in the hurry—and absolutely there is nobody who is in a greater hurry than a shopper—they do not just catch the word clear as said. In many times in Manhattan the wrong address will be due to the hundreds. Many people live in One hundred and twenty-fifth or One hundred and thirty-fifth street, and they will say 502 West Thirty-fifth Street. They do live on One hundred and thirty-fifth Street, but they just say Thirty-fifth Street.

They may be able to check that up, and if they find she has sent the goods astray they will fine her. She has no business to make that mistake.

Mr. THOMPSON. In other words, what hearing has the clerk in the first place and second case?

Mr. GOODWIN. The tracer goes down and sees the clerk and finds out as to size and style, and then he interviews the packer, and he tells her, "Here, what did you do with this?" They have a wonderful memory, the employees in department stores. I think, if you have had any experience with them, you will

find they can remember small details better than anybody else can remember anything. You can go to a clerk, and they will remember almost what they sold to a particular customer. Some little thing has occurred that recalls it to their mind.

I put it up to the packer, and if there is nothing in over goods the waist must have gone somewhere, that is sure, so we charge the packer. If, afterwards, a customer who has received that waist in mistake wakes up to the fact that it is a dishonest movement to keep it in spite of the fact that they think, "Oh, well, the department store is rich; they can stand it." If he returns that, it might possibly be connected; that is to say, if it is returned within a reasonable time, and a reasonable time, to my mind, with a tracer in a department store, with the large volume of work they have to handle, should not be more than 24 hours.

I would not expect them to remember more than that, unless he had a particular motive for remembering it.

MR. THOMPSON. In a case of the wrong address, etc.?

MR. GOODWIN. Well, a wrong address is the same. That is the only hearing she gets. If there is any question about it, if she makes a kick to the tracer that she is not going to stand for it, or anything like that, the tracer in turn, if he does not want to take that much power on himself, will put it up to the head of his department, giving him the facts, by saying, "Here, I think it is up to so-and-so. It is her fault." That ends it. There is nothing further after that. They can see the superintendent, but superintendents, like everything else, they have their own particular line of work to do. You can not run to a superintendent no more than you can go to the firm with every little detail. That is natural.

MR. THOMPSON. But, so far as the employee is concerned, the general decision is against the employee and in favor of the customer?

MR. GOODWIN. If the customer says she did not get it, she did not get it; that is all. You have to produce it, and there is only one way you can produce it.

MR. THOMPSON. Suppose a customer says she did not get it, what investigation is made to see whether she did get it or not? In other words, those cases of wrong address or claim of failure to receive goods, in whose favor, generally, is the decision made?

MR. GOODWIN. The benefit of the doubt, if you may call it that—the burden of proof rests on the packer to prove that she put it in, if she can.

MR. THOMPSON. What proof would she have, other than her word, that she put it in?

MR. GOODWIN. She would not have any proof other than that.

MR. THOMPSON. And what proof does the department store get from the customer other than the customer's word that they did not receive it?

MR. GOODWIN. You do not often find the customer—you do occasionally find that, but you do not often find the customer making a complaint that she did not receive something if she did receive it. The only instance where you will find that—I have known of several cases of that, too, where a delivery was made by a driver to an employee—that is to say, a servant—and wherein the hurry of the servant, somebody else, some guest happened to call, or something would throw that package down, and it would become mislaid, and, of course, rather than admit they had received the package, the servant would say, "Well, so-and-so never delivered it." It is up to the driver to go and trace that package; that is to say, we put what you call a claim on the driver. He goes there to prove the delivery. In that instance it is up to the driver.

MR. THOMPSON. Take the case of those two waists.

MR. GOODWIN. Yes, sir.

MR. THOMPSON. The customer says she only received one.

MR. GOODWIN. Yes, sir.

MR. THOMPSON. The packer says she put in two.

MR. GOODWIN. Yes, sir.

MR. THOMPSON. In that kind of a case, which way does the decision go?

MR. GOODWIN. It goes in favor of the customer, of course.

MR. THOMPSON. And against whom?

MR. GOODWIN. Against the individual, whoever it is up to. If it is up to the packer, then it is up to her.

MR. THOMPSON. In case of a dispute the store decides the question by charging the employee with the price of the goods?

MR. GOODWIN. Yes, sir.

MR. THOMPSON. As you have stated?

Mr. GOODWIN. Yes, sir.

Mr. THOMPSON. In other cases of a similar nature, different in facts is that the method or the rule in which decisions are made?

Mr. GOODWIN. Yes, sir; that is about the rule. In this case of the man you just had here testifying, he said something about he got 12 yards and he only purchased 10. There are a pile of people who have the same impression, that it is probably some error. It is an error that he got 12 yards, but it is not an error that will not be detected. That error will be detected. I, as a tracer may not be able to trace it right down to his door, that that package was delivered to, still somebody else has purchased 12 yards, as a general thing, and they have only received 10. The man who only received 10, when he buys 12, invariably comes in and hollers; the man who receives 12, and only bought 10, passes it up.

Mr. THOMPSON. And then the invariable rule that you have found to be in dealing with customers is when you come to a difference between a customer and a clerk it is charged against the clerk?

Mr. GOODWIN. Well, you must remember that policy has got to be taken into consideration, too. A store is in business to do business with customers, and if they have not the customers they don't make any money.

Mr. THOMPSON. I understand you. Have you in your study of department-store conditions any views, or do you know as to the possibility of advancement among the employees in the stores? What is the general hope?

Mr. GOODWIN. I was ordinarily intelligent, I think, in the department store, and I never could get any advance in a store as long as I stayed in it.

Mr. THOMPSON. Was your work ever complained of?

Mr. GOODWIN. My work was never complained of. I worked in Wanamaker's, and jumped Wanamaker's to go to Stern's, because I could get more money, and I jumped from Simpson-Crawford's to Saks's to get more money, and went from Saks's to Rothenberg's to get more money.

Mr. THOMPSON. That is all.

Chairman WALSH. Mr. Garretson would like to ask you a question.

Commissioner GARRETSON. The business demonstrates the fact, I gathered from your testimony, that the average citizen who gets more than he pays for keeps it?

Mr. GOODWIN. I would not say that. Are you speaking now only in reference to the dry-goods business or in every line of business?

Commissioner GARRETSON. I will make it wide; in every business?

Mr. GOODWIN. I can not say that I think so.

Commissioner GARRETSON. Do you in the dry-goods business?

Mr. GOODWIN. I do; yes, sir.

Commissioner GARRETSON. And still when it comes to a question of veracity between the sales person or the packer or any other employee and the customer, the word of the customer is always taken and the charge assessed—

Mr. GOODWIN (interrupting). Yes.

Commissioner GARRETSON. If 10 employees happen to be cognizant of it, I suppose there are times when—

Mr. GOODWIN (interrupting). It is a physical impossibility.

Commissioner GARRETSON. Sir?

Mr. GOODWIN. It would be a physical impossibility.

Commissioner GARRETSON. There are no instances under which two or three or four or more employees could have knowledge of the movement of those goods to a certain stage?

Mr. GOODWIN. Two or three or more—there is a bare possibility of two but it is remote; three never.

Commissioner GARRETSON. If two testified absolutely that the goods were there still, the customer would have to have the goods, wouldn't they?

Mr. GOODWIN. Two could not testify absolutely that the goods were there.

Commissioner GARRETSON. Well, we will take it on another basis. Report is made of incivility on the part of an employee. I suppose that occurs in some departments?

Mr. GOODWIN. Yes; as a general thing the superintendent usually gets it first, and he turns it over to get rid of it.

Commissioner GARRETSON. He sends it down?

Mr. GOODWIN. It goes down the line.

Commissioner GARRETSON. Is the employee who has been reported for incivility, we will say, summoned?

Mr. GOODWIN. Well, as a general thing, my experience with that line has been to go down to the department the minute that I interview the customer. I

would interview the customer, listen to her tale of woe, and then I would go down to the department and see that clerk and see what she had to say for herself with me alone before she had anybody there to fire any questions at her, and I would glean pretty well from what that girl said whether she was or was not guilty. You got to be a fairly good judge of human nature when you are in the dry goods business five or six years, and you have got to be able to distinguish between when they are telling the truth and when they are lying to you. And if it is fair in my mind that the girl has given her ordinary courtesy that is due her, and knowing the fact that women as a general thing in department stores are up to a high tension and want almost the impossible from the clerk, my usual method was to go back and talk to that woman until I would pacify her—and I seemed to be pretty fair at it—and give her an ordinary jolly along, and tell her that the girl will be censured, and that is as far as a thing of that kind went.

Commissioner GARRETTSON. And if she refused to accept the pacifier you offered and insisted upon her original grievance, then would the testimony of other clerks—if in that instance they could be present or in a place where they could give reasonably truthful testimony—would it be accepted, or any volume of it, against the complaint of the customer?

Mr. GOODWIN. Well, of course, the customer is the legs of the business.

Commissioner GARRETTSON. Profit must take the presence of equity in the dry goods business?

Mr. GOODWIN. Oh, yes; equity is an unknown quantity, sir.

Commissioner GARRETTSON. You never hold a bargain day on equity?

Mr. GOODWIN. No, sir; never.

Commissioner GARRETTSON. That is all.

Commissioner O'CONNELL. What is the wages that a first-class adjuster, as you describe the fellow whose duties it is to pacify the customer?

Mr. GOODWIN. Well, anywhere from—well, I should judge, anywhere from \$7 up to \$12 a week for an adjuster or tracer. They are synonymous terms.

Commissioner O'CONNELL. A position like you occupy?

Mr. GOODWIN. I received \$12 a week for a long, long while until I took charge of the complaint department in Saks's, and then I got \$18.

Commissioner O'CONNELL. How much wages does this wrapper person get who has to pay all the bills for lost packages?

Mr. GOODWIN. The clerk you mean?

Commissioner O'CONNELL. This wrapper that it comes out of—the party who has the package lost?

Mr. GOODWIN. Well, the word wrapper and inspector and packer, and all those terms—they are really one and the same thing. It all has to do with the individual who packs the goods. She checks and is supposed to compare the price on check with price on goods.

Commissioner O'CONNELL. And the wages of all these people generally?

Mr. GOODWIN. It is all one clerk, that is all.

Commissioner O'CONNELL. What are the wages?

Mr. GOODWIN. It will vary in different stores. It will run anywhere from \$3 a week up to \$6.

Commissioner O'CONNELL. And a couple of mistakes a week would clean up the salary of that clerk?

Mr. GOODWIN. Well, we used to put through a temporary charge sometimes.

Commissioner O'CONNELL. Well, get them in debt to you?

Mr. GOODWIN. No; not necessarily. If there was an error because—if they gave out a wrong package, and if something like that happened, they would put through a temporary charge, assuming that maybe the customer who got the better of the deal might be honest enough to bring it back, and if she did, within a reasonable time, we would remember the fact and wipe out that temporary charge; but temporary charges usually became permanent.

Commissioner O'CONNELL. But you were proceeding to protect your side, or the house's side, by getting it on the books from the start?

Mr. GOODWIN. There is absolutely no way you can get a piece of merchandise out of a department store unless you make out a check for it, and there are only two kinds of checks that I ever saw. There is a cash check, that is that has cash or the equivalent of cash or what is known in some stores as an accommodation, or, in other stores they call them hold packages. In other words, it is a package that you send out through their regular course of delivery which has got nothing to do with the—well, it does not have anything to do with the

final status of the department. That is to say in itself—I don't know how to express it. The final stage, the time of inventory, it would not affect their inventory any. That is to say an accommodation, if you can understand what I mean by that.

Commissioner O'CONNELL. How about this mistake that is made in the number of a street—Thirty-fifth Street instead of One hundred and thirty-fifth Street?

Mr. GOODWIN. Well, if it is up to that clerk and if that package were delivered to Thirty-fifth Street, and it should have gone to One hundred and thirty-fifth Street, a claim would be put on the driver, and sometimes—called a tracer on the driver, and if he is able to return that package, she would simply be fined for a wrong address, but if he can not get that package she pays for it.

Commissioner O'CONNELL. And is she charged with making a wrong address if the purchaser says Thirty-fifth Street instead of One hundred and thirty-fifth Street?

Mr. GOODWIN. I always presume a customer knows where she lives in spite of the fact that I know these errors do occur.

Commissioner O'CONNELL. You just said a minute ago that very frequently in the rush of shopping that a woman is very liable to say Thirty-fifth Street instead of One hundred and thirty-fifth Street.

Mr. GOODWIN. That is a custom of people who live above One hundredth Street.

Commissioner O'CONNELL. And the clerk must bear the responsibility for that error, and that is the principle upon which the business is conducted?

Mr. GOODWIN. No; I would not say that. The principle upon which it is governed is the customer probably said a Hundred and thirty-fifth, and the clerk put it down Thirty-fifth. It is just as liable to be the one way as the other. That is to say, it is just as liable to be the customer who made the mistake as the clerk, but if it is busy, it is more than likely the clerk.

Commissioner O'CONNELL. But in all cases the clerk is held responsible, in preference to the customer?

Mr. GOODWIN. Oh, yes.

Commissioner O'CONNELL. In all cases?

Mr. GOODWIN. Oh, yes; the customer's word is the beginning and end.

Commissioner GARRETTSON. The firm must have the money?

Mr. GOODWIN. What is that?

Commissioner GARRETTSON. The firm must have the money?

Mr. GOODWIN. Well, they are in business to make money, and make it honestly if you can.

Commissioner O'CONNELL. In the position that you occupied in these stores it was mainly to pacify customers who had a complaint?

Mr. GOODWIN. Yes; when they had a kick coming I was to smooth them down.

Commissioner O'CONNELL. And in that capacity you say you were exceptionally successful?

Mr. GOODWIN. I was pretty successful; yes, sir.

Commissioner O'CONNELL. For which you drew \$12 a week?

Mr. GOODWIN. Yes, sir.

Commissioner O'CONNELL. And you left the business of your own accord, or were you asked to leave?

Mr. GOODWIN. I left it of my own accord, sir.

Commissioner O'CONNELL. That is all.

(Witness excused.)

Mr. THOMPSON. Is Mr. Kugelman, of Stern Bros., here?

(No response.)

Mr. THOMPSON. Is Mr. Namm here?

A GENTLEMAN IN THE AUDIENCE. Mr. Namm received no notice to come here; that is the reason he is not here.

Mr. THOMPSON. Well, we will take that matter up.

I will call Miss Svenson.

TESTIMONY OF MISS HILDA E. SVENSON.

Mr. THOMPSON. Give us your name.

Miss SVENSON. Hilda E. Svenson.

Mr. THOMPSON. And your address.

Miss SVENSON. 346 Fifty-sixth Street, Brooklyn.

Mr. THOMPSON. Your occupation.

Miss SVENSON. Organizer for the Retail Clerks' Union of New York.

Mr. THOMPSON. How long have you been organizer for that union?

Miss SVENSON. Since November 13.

Mr. THOMPSON. In that position have you made a study of the conditions in the department stores of New York City?

Miss SVENSON. Yes, I have.

Chairman WALSH. If it is not interrupting I would like to get briefly at the beginning of this organization, generally its history, how long it has been in being, and its membership and so on, and numbers, and how they are distributed as to sexes, and so on?

Mr. THOMPSON. First, state the name and purposes of the organization.

Miss SVENSON. The name of the organization is Retail Clerks' Union of New York. It was organized in June, 1913. I do not want to tell the membership because it is—

Mr. THOMPSON (interrupting). I might say, Mr. Chairman, that there is some hesitancy—

Miss SVENSON (interrupting). It is a secret organization anyhow, and a large part of the membership is secret, and we have had to pledge ourselves to the members that it would be kept secret, and I would rather not state the membership at this hearing.

Commissioner O'CONNELL. Is it connected with the international?

Mr. THOMPSON. I am not sure, but I think not.

Miss SVENSON. No; we are not affiliated with the International Retail Clerks' Union, but are affiliated with the Women's Trade Union League in the city. We are not affiliated with the international on account that we have been negotiating with them quite a while. We want to be affiliated with them, but on account of the dues and initiation fee we feel it is too high at the present time for the salaries that the girls in New York City are getting.

Chairman WALSH. Have you a printed constitution and by-laws?

Miss SVENSON. We have none printed, but I have a typewritten copy of the constitution and by-laws.

Chairman WALSH. Have you any objection to giving that to the secretary?

Miss SVENSON. None whatever.

Chairman WALSH. Any objection to stating what your membership of your organization—what percentage of them are men?

Miss SVENSON. I should think that one-third of our membership at the present time are men.

Chairman WALSH. That is all; thank you.

(The constitution referred to by the witness was received and marked "Svenson Exhibit 1, June 11, 1914.")

See Svenson Exhibit 1, under "Exhibits.")

Commissioner COMMONS. What are the dues?

Miss SVENSON. Fifty cents initiation fee and 25 cents a month.

Commissioner COMMONS. What are the dues of the international?

Miss SVENSON. The international initiation fee is \$3 and the dues 50 cents a month; and it is the initiation fee in the international that we are having trouble on.

Mr. THOMPSON. What work were you doing before you took up this work?

Miss SVENSON. Doing a great many different kinds of work. I am a telegrapher by trade.

Mr. THOMPSON. Were you employed in department stores?

Miss SVENSON. Never have been employed in department stores, but have worked for the Women's Trade Union League for some time, and have been working in the labor line for five years.

Chairman WALSH. Let the witness briefly sketch what she has worked at, going back from the present time, say, for the last five years. How long has she been with this organization?

Miss SVENSON. Since November, 1913.

Chairman WALSH. Now, just going from that time back in a general way, say, for five years, state what your employment has been.

Miss SVENSON. I worked for the Women's Trade Union League about two years altogether.

Chairman WALSH. As organizer?

Miss SVENSON. No; not as organizer; doing inside work. I was secretary of the telegraphers' union for three years in New York City. Is that far enough back?

Mr. THOMPSON. What work did you do there as secretary?

MISS SVENSON. The general secretarial work; taking care of the membership, and partly organizer's work, of course.

MR. THOMPSON. In other words, you made no special study of department stores during that time?

MISS SVENSON. No.

MR. THOMPSON. And what study you have made as to the department stores is from the study you have made of them since November?

MISS SVENSON. Yes, sir.

MR. THOMPSON. Have you made any study of the wages paid to saleswomen in department stores?

MISS SVENSON. The only way I have of getting at the salaries is from the girls themselves, as I have been organizing them.

MR. THOMPSON. From the girls themselves?

MISS SVENSON. Yes, sir.

MR. THOMPSON. What ages do those girls run from, take the youngest to the oldest?

MISS SVENSON. Well, I think the girls I have come in contact with run from 16 or 17 to about 30.

MR. THOMPSON. What were their years of service, if you know; how long have they been working—take the shortest—a few months or weeks?

MISS SVENSON. Most of them have been working a year or two or three years.

MR. THOMPSON. What wages did these employees receive that are members of your organization?

MISS SVENSON. Well, I find talking to most of the girls, that the wages run from \$5 to 8; but I find the largest group of girls are getting about \$7. I find more girls who tell me they are getting \$7 than any other wage. Of course, there are girls who tell me they are getting \$9 and \$10, but the largest group of girls are getting \$7.

MR. THOMPSON. How do you arrive at it as the largest group? How do you make that determination? Have you kept any figures?

MISS SVENSON. I have not kept it tabulated at all, but just know how most every girl who comes and I ask her what she is getting, and she says \$7. That seems to be the regular run of salaries in the department-store business.

MR. THOMPSON. And these girls are sales girls?

MISS SVENSON. Sales girls; yes, sir. The ones not sales girls get even lower than that.

MR. THOMPSON. What proportion of the girls 16 and over tell you they are receiving only \$5 a week, if you know?

MISS SVENSON. I couldn't tell you what proportion, but quite a number. The girls who are cashiers get mostly \$4 and \$5 a week, doing cashiers' work.

MR. THOMPSON. But you have kept no data? You have made no memorandum each time—

MISS SVENSON (interrupting). Just as to percentage, no.

MR. THOMPSON. Or as to the length of service?

MISS SVENSON. No.

MR. THOMPSON. What stores generally are you speaking of when you make this statement?

MISS SVENSON. Well, most of the stores.

MR. THOMPSON. What do you mean by that?

MISS SVENSON. Well, Gimbel's, Simpson-Crawford, Greenhut-Siegel's, Macy, Rodienberg, and Hearn.

MR. THOMPSON. What investigation have you made with reference to the hours of work that exist in these stores?

MISS SVENSON. Well, I find that the large department stores in New York City live up to the law as far as outward appearances are concerned; but that when a store says it opens at 8.30 and closes at 5.30 it does not mean at all that the employees work only at 8.30 to 5.30. They are always ordered in at 8.15. And as to closing time they say the bell rings at 5.30; that means the customers have to leave the store, and naturally the girl has to stay until the customer leaves, and they cover up their stock before they go. Up at Gimbel's, for instance, they quit at 5.30 supposedly, but the girls tell me that the bell never rings before 5.40. A very good instance of that attitude, in the case of one of our street meetings sometimes the girls get out on time, and when they come out the girl says, "Oh, that is why the bell rang on time to-night," when they see our automobile there. And I know several instances of girls at Gimbel's just this last week in several departments that were ordered on at 7.30.

Mr. THOMPSON. In the morning?

Miss SVENSON. In the morning.

Mr. THOMPSON. What department?

Miss SVENSON. I don't know just the departments. Several of the girls came to me——

Mr. THOMPSON (interrupting). That was last week?

Miss SVENSON. Last week.

Mr. THOMPSON. Well, then they told you of the department?

Miss SVENSON. No; I did not learn. A girl came to me on Monday, and I know her department, but I would not care to state it in this investigation.

Mr. THOMPSON. Did you make any investigation of that statement?

Miss SVENSON. No; I did not make any investigation. I knew it was true when the girl told me.

Mr. THOMPSON. What other stores do you speak of in that respect?

Miss STEVENSON. Well, I think it applies to all the stores. I don't know of the 7.30 opening—I never heard of that in any other store; never heard of it before.

Mr. THOMPSON. Why do you say that applies to all stores?

Miss SVENSON. I mean the ringing of the bell after the regular hour and they having to come in 15 or 20 minutes before, and as to the overtime at night. All the girls without exception tell me they have to work more or less overtime, and that they get nothing for it. For instance, in Gimbel's they get 35 cents for supper if they work two hours; but it is the custom in Gimbel's to let the girls off at half-past 7 or a quarter of 8, so they won't even have to pay them that 35 cents.

Mr. THOMPSON. When you say this condition exists in all stores generally, you mean the girls come to you from time to time and tell you of that condition and leave the impression with you that it occurs in all stores?

Miss SVENSON. I never have spoken to a girl in a department store that did not tell me that she had to work overtime.

Mr. THOMPSON. I mean that the bell rings later each time than the time stated?

Miss SVENSON. No; I have not heard of that complaint outside of Gimbel's; but other stores the girls say the bell rings on time, but they don't get out on time. If the bell rings at 6 o'clock they don't leave their department until 6.10, and they don't get out on the street until 6.15 or 6.20.

Mr. THOMPSON. In other words, the employees of the store generally have to work a few minutes overtime each night?

Miss SVENSON. Yes; why, when we have our street meetings, we see girls continually coming out at 7 o'clock when the meeting has adjourned. Not all of them, but they come out 10 or 15 minutes after the store closes, and then they come out all the time we are having our meeting; I see the girls coming out up till 7 o'clock after the meeting is adjourned.

Mr. THOMPSON. You have been holding meetings around the different stores in this city?

Miss SVENSON. Yes, sir.

Mr. THOMPSON. How frequently?

Miss SVENSON. Twice a week and sometimes more.

Mr. THOMPSON. And your opinion in regard to this matter is gained from talking to the girls themselves and from what you have seen in holding these meetings around the stores?

Miss SVENSON. Yes, sir.

Mr. THOMPSON. What do you know in reference to the mutual benefit association, and the attitude of the different stores toward it, and from what source do you know that?

Miss SVENSON. The mutual benefit association—I think that law which was passing in April is being broken by all the stores who have mutual benefit associations. Of course all of them say it is voluntary. The girls tell you always they are made to understand that unless they join the mutual benefit association they can not work for the store, and the money is deducted from the employee's salary. Money is being deducted in all the stores from the employee's salary always, in some stores monthly and some weekly.

Mr. THOMPSON. You mean it is taken out of their pay——

Miss SVENSON (interrupting). Taken out of their pay before they get their envelope.

Mr. THOMPSON. This information you give from the same source?

Miss SVENSON. Yes, sir.

2310 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. THOMPSON. What do you know about the sanitary conditions in the stores of New York, and what is your information?

Miss SVENSON. I think most of the newer stores are living up to the sanitation laws pretty well, outside of the basements and sub-basements. The ventilation in the sub-basements of Gimbel's is very bad, and I know of girls—many girls who have been taken sick after a few months' work there. I don't know that a girl could work in Gimbel's sub-basement any length of time.

Mr. THOMPSON. Have you anything more to say about that or any other store—any other details about it?

Miss SVENSON. No; I think that one of our other witnesses will be able to cover sanitation and that part of it a great deal better than I can.

Mr. THOMPSON. In your position as organizer for the union have you met the heads of any of these stores?

Miss SVENSON. No; I have not—not personally. I have met most of them, and they talked to me outside of the store, and said something to me which was not very pleasant.

Mr. THOMPSON. How do you seek to organize stores? What methods do you use?

Miss SVENSON. Well, the method we use generally is the out-of-door meetings, and at those meetings we, of course, have speakers and have literature there that the girls can take if they want to, with our application on it; and then we follow up these names, of course, and interview the girls when we get them that way. That seemed to us the best form of propaganda.

Mr. THOMPSON. And have these stores ever opposed your work?

Miss SVENSON. Why, yes; they oppose it all the time. All the stores have opposed it as far as our street meetings are concerned.

Mr. THOMPSON. What form does their opposition take?

Miss SVENSON. Why they try to arrest us and have the detectives around there making the girls go away, or are trying to scare the girls, and I have an affidavit here from Mary R. Sanford, a member of the committee, who is one of our workers and is away now, and in that she states she had a conference with Mr. Duggan, the general superintendent of Gimbel Bros. Miss Sanford is in Europe now and before leaving she made this affidavit, and I will be glad to give it to the commission and to read it now if I may.

APRIL 22, 1914.

After a long conversation with Mr. Duggan, general superintendent of Gimbel Bros., in which he dwelt upon the fairness of his firm to its employees, he said: "They would fire the first girl who joined the union and every girl who joined the union." This conversation took place in Mr. Duggan's office last autumn, a few days after a street meeting of the retail clerks' union outside the Gimbel store. Referring to the fact that there had been a strike of union drivers four days after the Gimbel store has opened, he said that with God's help he determined to crush the life out of the union and grind it to powder.

MARY R. SANFORD,
90 Grove Street, New York.

CITY OF NEW YORK, County of New York:

On the 22d day of April, in the year 1914, before me personally came Mary R. Sanford, to me known, and known to me to be the individual described in, and who executed the foregoing instrument, and who acknowledged to me that she executed the same.

Sworn to before me this 23d day of April, 1914.

[L. S.]

M. C. SEARS,
Notary Public.

New York County, No. 3716. New York Register, No. 5317.

Mr. THOMPSON. Who is Miss Sanford?

Miss SVENSON. Member of the committee on organization of the retail clerks.

Mr. THOMPSON. Connected with any other association?

Miss SVENSON. No; she is not. She is a woman here in New York—

Mr. THOMPSON (interrupting). Do you know whether she is in the consumers' league—

Miss SVENSON (interrupting). Why she was in the consumers' league. I think she is now; and on this I would very much like to have the commission call Miss Dutcher, who can tell you about Stern Bros., and I have a witness here who can tell you about Mr. Percy Strauss, showing their opposition.

Mr. THOMPSON. In appearing here as a witness has anybody asked you to appear here as a witness to-day? Do you appear here for others?

Miss SVENSON. What do you mean?

Mr. THOMPSON. I mean have any of the employees or the members of your union ask you to appear?

Miss SVENSON. I am now speaking—nobody asked me to, but I am speaking as a representative of the employees who belong to our union. Is that what you mean?

Mr. THOMPSON. Well, whether any of the girls in the stores have asked you to come here?

Miss SVENSON. Why, yes; most of this matter I have gained through the girls whom I would be very glad to put on this stand, if they could come; and they have given me a great deal of information about different matters at different times. I wish I could put these girls on the stand to tell these stories themselves—it would be very much more convincing—but of course the girl that would be put on the stand would lose her position immediately.

Mr. THOMPSON. And that is the reason you are appearing now?

Miss SVENSON. That is the reason I am appearing now.

Mr. THOMPSON. What have you to say with reference to the opposition of the dry goods stores to the union?

Miss SVENSON. Why, I would also like to say—I would like to have Mr. Mackie, former employee of Wanamaker's, who was discharged just recently, and told that he was discharged because he belonged to the union. This is a very recent matter and will be interesting, I think, after Mr. Lynn testified that they did not have any opposition to the union.

Mr. THOMPSON. What do you know with reference to the existence of any systematic opposition to people who are in the union as to their getting work with the stores or as to retaining the position which they already have?

Miss SVENSON. Well, we know, and all the girls know, that if it is found out that they belong to the union that they will lose their position, and will not get a position in any department store in the city.

Now we have no way of knowing that, only that it happens and that the girls can not get employment again—if they don't get them in the first instance; and Mr. Mackie will testify and give the reason for the girls not daring to tell the truth. I think in our last factory investigation the commission found out at the private hearings that the girls testified there who could not testify in the public hearings. When they went around gathering information and investigating the stores the inspector always had a representative of the store with him and again the girl could not tell the truth. And the Women's Trade Union and consumers' league they all know that the girls have—there are many, many evils that the girls resent but are afraid to tell. They know it means their jobs. There is no other way of knowing it, but that they do. And many of the girls in the stores have been told by the floorwalkers and buyers that if they joined the union they will lose their jobs. Many girls have been told by the under people that.

Mr. THOMPSON. What is your opinion or what are your views, if you have any, with reference to what should be done with reference to hearing the grievances of employees of department stores?

Miss SVENSON. What do you mean, by this commission?

Mr. THOMPSON. No, no; not by this commission, but what should be done in the store itself?

Miss SVENSON. Oh, well, of course I feel there is only one thing; that is, organization of the workers themselves whereby they can have a shop committee and deal with the people higher up and not always with the petty officers. They have so much to endure from the petty officers and bosses like the buyers and aisle men and floorwalkers, etc. They never have a chance of bringing their grievances to the real head. Now, if they had an organization and had a shop committee, as they do in factories, they could come in touch with the men higher up. I think really in some stores the men higher up do not know the things the girls have to contend with. In this way they would be able to meet them and settle their grievances in that way. I think that is the only way that it could be handled.

Mr. THOMPSON. Have you any views on the minimum wage law?

Miss SVENSON. Of course I am in favor of minimum wage, but I feel that just like all other laws without organization it will not be enforced any more than we could enforce the other laws. I feel that the minimum wage is a very good thing if there is no organization behind it to enforce that law.

Mr. THOMPSON. I understand you that you believe that the organization of the workers can better enforce the law than the State inspectors?

Miss SVENSON. Yes; because the labor department could not have enough inspectors to investigate every girl's pay envelope. I don't see why the stores of New York do not want a minimum wage law. If the commission will permit me I have a statement here made by Mr. Letts, the president of the National Retail Dry Goods Association, who has a store in Los Angeles where they have the eight-hour day and the \$10 minimum wage. He makes this statement which is short, and I would like to read it.

Mr. THOMPSON. You may file that with the commission.

Chairman WALSH. If it is short, just let her read it into the record.

Miss SVENSON. He said: "Frankly, gentleman, the minimum wage for women has come. You will have to meet it. And why shouldn't you meet it? What harm is it going to do to you if every merchant has to pay the same wage?"

"It becomes precisely the same as other expense accounts. A few years ago my superintendent told me that he had been able to cut down the wages of our employees 11½ per cent. At that time I thought it a fine thing, but I have come to see more clearly.

"With the minimum wage there will be no injustice and no advantage taken. Hitherto the law of supply and demand fixed the wage schedule. Henceforth it will be efficiency, and if the cost of the selling is increased the purchaser is the one who will pay.

"Of course, it is hard for the standpatter to meet present conditions. He hates to give way. He likes to do business the same as 20 years ago. He does not want these changes.

"Well, gentlemen, we must accept them or retire from business. We must be open minded.

"An eight-hour law for employees is pending in some States. When this law first came to our State we thought it was very drastic, inasmuch as it provides that no woman or girl employee may work more than eight hours in any day. Time, however, has proved the wisdom of the law."

It seems to me that if the employer who is doing business with an eight-hour day and minimum wage of \$10 does not find that drastic, that the employers in New York City should begin to look at the matter with less apprehension and opposition.

Mr. THOMPSON. That is all, I think.

Miss SVENSON. There are a few things more that I would like to say.

Chairman WALSH. If you have anything that you desire to volunteer to this commission or if you desire to amplify you may do so.

Mr. THOMPSON. But first there are two questions that I should like to ask the witness. You said that you believed that organization of the employees was necessary in order to enforce the law; that otherwise the law would not be enforced, as they are not enforced at present. What laws do you know or have you in mind that are not being enforced?

Miss SVENSON. The 54-hour law is not being enforced. There is the compulsory mutual-benefit law which is not being enforced.

Mr. THOMPSON. And you have given already the reason why?

Miss SVENSON. Yes, sir.

Mr. THOMPSON. And in what respect?

Miss SVENSON. Yes, sir.

Chairman WALSH. Are there any others that occur to you that you claim are not being enforced?

Miss SVENSON. Well, as I say, I don't—I can't speak at first hand, but as to ventilation, we have a witness here who can. Mr. Schwartz will be able to testify on the subject of ventilation.

Mr. THOMPSON. Have you any other kind of occupation or source of income at the present time?

Miss SVENSON. I give all my time to the retail clerks' union.

Mr. THOMPSON. Did you help organize the retail clerks' union?

Miss SVENSON. Did I help organize it when it was—I do not know just what you mean.

Mr. THOMPSON. In the beginning?

Miss SVENSON. In the beginning; no.

Mr. THOMPSON. How long did you work at the occupation of telegrapher, and what was your compensation?

Miss SVENSON. My compensation as telegrapher—I had a great many different jobs as telegrapher. I worked in the telegraph companies at a salary of \$15

and \$16 a week, and in brokers' offices at \$20 and \$25 a week. As telegrapher; I have not worked at telegraphy since 1907.

Mr. THOMPSON. How long did you work at it?

Miss SVENSON. How long did I work at it?

Mr. THOMPSON. Yes.

Miss SVENSON. From 1899 to 1907.

Mr. THOMPSON. What has been your compensation and what is your compensation from the labor organization now at the present time?

Miss SVENSON. Now; at the present time?

Mr. THOMPSON. Yes.

Miss SVENSON. \$20 a week.

Mr. THOMPSON. Do you think that giving the number of the members of the organization will be a violation of confidence?

Miss SVENSON. I do.

Mr. THOMPSON. That is all.

Commissioner O'CONNELL. Isn't it a fact that the reason you do not desire to give the number of the members, that its membership might indicate weakness, or something, on the part of the organization?

Miss SVENSON. Not necessarily.

Commissioner O'CONNELL. Is it fear that the employers will take advantage in some way?

Miss SVENSON. I think that if I could give the numbers the employers would probably be very much surprised. I do not think it would show weakness at all. I think, though, that it is a thing that I should not reveal.

Commissioner COMMONS. Is this retail clerks' union organized by the Women's Trade Union League?

Miss SVENSON. No; they are not. We are affiliated with the Women's Trade Union League. They worked with the organization of it in the beginning. I think in June. But we have not been working directly under them. The retail clerks' union have been working under a committee. The union is a subcommittee, but the union is affiliated with the Women's Trade Union League.

Commissioner COMMONS. Well, the officials of the Women's Trade Union League have assisted you in the organization?

Miss SVENSON. Yes.

Commissioner COMMONS. And are keeping it up?

Miss SVENSON. Yes.

Commissioner COMMONS. Does this organization have a fund outside of the strike fund?

Miss SVENSON. No, sir; it hasn't any.

Commissioner COMMONS. Well, they accumulate a fund, I presume?

Miss SVENSON. No; they have no outside fund at all, on account of the smallness of the dues. They have not been able to start any funds.

Commissioner COMMONS. Has the international organization that is affiliated with the American Federation of Labor—has it any organization in the department stores here?

Miss SVENSON. No.

Commissioner COMMONS. Has it had organizers here at any time to organize?

Miss SVENSON. No; not that I know of; not in the department stores. They have a grocery clerks' union here, but not in the department stores.

Commissioner COMMONS. How long since they have attempted to organize; or have you knowledge of that?

Miss SVENSON. The department store workers?

Commissioner COMMONS. Yes.

Miss SVENSON. Never, so far as I know, in New York City.

Commissioner COMMONS. How far back does your memory go on that?

Miss SVENSON. Probably 1908 or 1907. I did not know much about it before then.

Commissioner COMMONS. Have they protested in any way against your organizing outside?

Miss SVENSON. No; they have not.

Commissioner COMMONS. Not being recognized by them?

Miss SVENSON. No; we have not. We have had several conferences, trying to get to some kind of understanding. We want to affiliate with the international as soon as it is possible for us to do so.

Commissioner COMMONS. And have one agreement. And what about your dues?

Miss SVENSON. You see, the dues—it seems as though they were not very much; but in New York City, where the girls are already taxed by the stores for a mutual benefit association, some 25 to 40 cents a month, it makes it very hard for her also to pay as much again or more in her union. The international, you know, has the sick benefit and everything she would get in the international with her dues, everything that she has and a great deal more, because she would also have it in the international.

Commissioner COMMONS. So far as your union was concerned, was it formed on the same policies as the international?

Miss SVENSON. Yes.

Commissioner COMMONS. It recognizes the principles of trade agreements?

Miss SVENSON. Yes.

Commissioner COMMONS. It believes in making agreements with employers?

Miss SVENSON. Yes.

Commissioner COMMONS. Have you any information about the extent of this matter of fines and deductions on account of what we have heard here regarding complaints?

Miss SVENSON. Yes; they usually——

Commissioner COMMONS (interrupting). How extensive—that is, is it a very large matter?

Miss SVENSON. It is a very large matter. That is a thing I wanted to talk on—the complaints from cashiers of the deductions for their shortages. I don't think that many people would believe it if they heard that the girls are getting \$4 and \$5 a week and are continually having shortages deducted from their salaries. Long, long ago I met a girl who was between 16 and 17 years old, I should judge, working in Gimbel Bros., getting \$4 a week, and she was charged \$21 shortage. She asked to have this shortage explained to her, and they said, "Never mind, you made the shortage." They never show her where the mistake is made, the cashiers. They never get any statement whatever of that. She was charged \$21 and for two weeks they did not give her any salary, and then they told her they would take a dollar a week out of her salary until they had the \$21. After she had been getting \$3 for several weeks, she told them that she could not live on the \$3 but would leave. So when she resigned, the day I saw her, she said she was going back again to see if they would give her any salary for that last week, and I don't know whether they did or not, but I could find out, and I will give that material to the commission if they want it.

Commissioner COMMONS. How general—that was an extreme case, perhaps?

Miss SVENSON. That was one extreme case, but the shortages are pretty general. All the cashiers complain of shortages and complain of not being told just where the mistake was made.

Commissioner COMMONS. How about sales girls? You are speaking of cashiers?

Miss SVENSON. Yes; I am speaking now of cashiers.

Commissioner COMMONS. It falls on them more than the others?

Miss SVENSON. The sales girls also complain that if there is a mistake, whoever the mistake is blamed on is the one that is charged.

Commissioner COMMONS. Well, is it quite general? Have you taken any sort of a census of the organization to find out how many have suffered on that account?

Miss SVENSON. I can not tell just how many, but it is a general complaint from all sales people.

Commissioner COMMONS. Would you say one-half of your membership?

Miss SVENSON. I think all of them have had that happen to them some time or other, but I don't know whether—I don't think it is a thing that happens to a saleswoman every week, but it does to a cashier.

Commissioner COMMONS. As a matter of fact, if an employee had many of these deductions, she would be finally discharged altogether, wouldn't she? It would be a sign of incompetency?

Miss SVENSON. I don't know; I have never had an instance of a girl being discharged for that, although there are many girls who have been charged for mistakes. I don't know any girl who was discharged and told it was on that account.

Commissioner COMMONS. Have these fines anything to do with these premium system or commission—would you say the fines are as large as the commissions?

Miss SVENSON. You know, the commission system—the commission system, I don't know what you mean. Will you please read that question?

Commissioner COMMONS. Well, the commission system; they probably earn about 10 per cent more than their rate of weekly wages?

Miss SVENSON. All the stores do not have commission systems.

Commissioner COMMONS. Well, where they do have it, do they have a fining system that would absorb it?

Miss SVENSON. Do they have a fining system?

Commissioner COMMONS. Yes.

Commissioner O'CONNELL. That would equal the amount of the percentage.

Miss SVENSON. Yes; I think they do.

Commissioner O'CONNELL. Where the girl made a dollar a week extra on the percentage system, would she also have a dollar a week in fines, to eat it up?

Miss SVENSON. I don't know exactly whether it would be exactly the same. I think it is different amounts at different times. The commission system, of course—take Wanamaker's commission system, that is one that tends to make the employees generally very much dissatisfied. They give them a drawing account, as I understand it, and they give them no statement whatever of their earnings, and they just come to them and they ask them how much their account is, and they say, "You still owe us money," and there seems to be great dissatisfaction over the commission system. There isn't so much where they get a regular salary and additional commission, but at Wanamaker's, where it is entirely commission, with what they call a drawing account, there is very much dissatisfaction.

Commissioner COMMONS. Well, there is some of the firms who do not have a commission system, are there?

Miss SVENSON. Yes.

Commissioner COMMONS. They pay a straight weekly wage?

Miss SVENSON. Yes.

Commissioner COMMONS. Do the employees favor that preferably?

Miss SVENSON. Yes; I think that most of the employees would rather have a good salary and know what they are going to get every week than have any commission, because the commission, of course, eventually is nothing but the speeding-up system, and the longer they work at it the harder it is. Their commission next year is based on what they sell this year. Next year they have to make so much more than they made this year to get the commission, so it makes a speeding-up system altogether.

Commissioner COMMONS. In what way can it speed up a clerk? I can see how it might speed up a factory worker, but in what way would it speed up a saleslady?

Miss SVENSON. Suppose a girl sells \$250 worth of goods a week, and at the end of the year the firm arranges it, I think they say, next year everything over \$250 you will get a commission. Now, the next year she speeds up to \$300 or \$275, and at the end of that year they would figure her extra commission on what that department sold the previous year, and would make her have to sell from \$275 to \$300 worth the following year before getting her commission.

Commissioner COMMONS. This system that you have just described, is that the one that is generally used?

Miss SVENSON. I think that is the system that R. H. Macy uses.

Commissioner COMMONS. What other places.

Miss SVENSON. I don't know just how Wanamaker figures it, but I think most of them figure it out the same way.

Commissioner COMMONS. Would you say that applies to McCreery's?

Miss SVENSON. I do not know; I could not say. I think that is the way the most of them figure out their commissions—on departments, on what that department makes—and each year they figure it on the former year's business.

Commissioner COMMONS. That is different from the McCreery system as described here yesterday?

Miss SVENSON. Yes.

Commissioner COMMONS. Your impression is that is the general method?

Miss SVENSON. Yes.

Commissioner COMMONS. Taking the preceding year's sales and figuring out the commissions so as to just get them to do a little more the next year; is that it?

Miss SVENSON. Yes.

Commissioner COMMONS. So that each year it increases the pressure?

Miss SVENSON. Yes.

Commissioner COMMONS. Does that have anything to do with the health of the saleslady—that is, the speeding up—does it have a nervous effect at all?

Miss SVENSON. Of course, I think it does. I think a girl's work is very hard as it is, and if they have to keep trying to push business it makes it pretty hard on the girl, too, who has a poor department, such as a silver department, or a department that handles things that people do not have to buy, because she can not sell the amount that another department can, and her sales are very much lower, and it makes it very much harder on those departments where they sell things that I would call luxuries.

Commissioner COMMONS. Wouldn't that make the saleslady more patient with customers, more attractive and more willing to be of service to them? Wouldn't it have that effect, to cause them to take more interest in their department?

Miss SVENSON. I think the girls take plenty of interest for the money they are getting at the present time. I don't think they need any more interest.

Chairman WALSH. At this point the commission will adjourn until this afternoon at 2 o'clock, to meet in this room.

(Thereupon, at 12:30 p. m., the commission adjourned, to meet again at 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Commissioner Commons in the chair.

Acting Chairman COMMONS. Mr. Thompson, will you proceed?

TESTIMONY OF MISS HILDA SVENSON—Continued.

Acting Chairman COMMONS. Mr. Delano, have you any questions to ask?

Commissioner DELANO. Yes; I want to ask one or two.

Miss SVENSON, did you hear the testimony given by Miss Becks yesterday?

Miss SVENSON. Miss Becks?

Commissioner DELANO. Yes.

Miss SVENSON. Yes, sir.

Commissioner DELANO. Do you know anything about that investigation that she reported?

Miss SVENSON. I have read the report of that investigation.

Commissioner DELANO. Is it accurate or reliable, so far as it goes; can the commission assume it is accurate, so far as it goes?

Miss SVENSON. I feel the average wage they gave is not a good average wage, on account of the high-priced people being counted in that average wage. They have the salesladies, I think, up to \$50 and \$60. I don't know where they get a \$50 and \$60 saleslady, because I have never met them. And I think that makes the average very bad.

I think the welfare work which they dwell on greatly in that regard is, of course, one I am not particularly interested in, because I think most of the welfare work is what the employer should do and not want to boast of. I think a big department store should have those things, and it does not make up for wages or anything else. I think it is rather a puzzling average. I don't think it is anywhere near what the majority of the people get.

I know that the employees do not think very much of the welfare work, neither do they of the welfare secretary. They say if it is a good legitimate kick they have they would not dare bring it to the welfare secretary. They fear that they are too close to the firm and it would injure them. That is a kick on wages or hours or anything like that.

Acting Chairman COMMONS. Mr. Garretson, have you any questions?

Commissioner GARRETSON. No.

Acting Chairman COMMONS. Speaking of these wage statistics, you criticize the average?

Miss SVENSON. Yes.

Acting Chairman COMMONS. You would not criticize the grouping of so many under \$9, for instance?

Miss SVENSON. No.

Acting Chairman COMMONS. Do you think that is accurate?

Miss SVENSON. I think the average is bad. I mean, it looks bad. It does not give the people a good idea.

Acting Chairman COMMONS. So far as the groupings, so far as they are concerned, the proportions that are paid at different rates, you think that probably represents it?

Miss SVENSON. I think it probably is pretty fair.

Acting Chairman COMMONS. I think that is all the questions.

Miss SVENSON. There is another thing I would like to talk about, if I can?

Acting Chairman COMMONS. Yes.

Miss SVENSON. Another one of the small things that happens so often in the department stores, and I receive a great many complaints about, both from our letters and from the people who are not members, and that is the discharge and rehiring in the department stores. So many times on Christmas Eve a girl is discharged and reemployed after the first of January, and the girls feel right from that that it is just to do away with their vacation. But that occurs. They are not continuous employees for a year and it does away with their vacation, but in some of the stores they are discharged the night before the holiday and taken on the day after the holiday, so they are not paid for the holiday. This thing is a great cause of complaint that I find amongst most of the girls.

Another one of the great complaints, of course, are the seats. The law provides for seats in the department stores for the girls, but I have never found a girl who said she was allowed to sit down during working hours. Either the floorwalker or the buyer comes along and asks her if she doesn't have anything to do and to get up and get busy, and the girl was considered a shirker who attempted to sit very often.

I think the spy system in most of the stores, what we consider the spy system, is another great cause of discontent. The girls never feel they can trust anybody. They always feel somebody is up next to them to spy to them. Little things are always reported back, and they don't know whether the girl sitting next to them, or the buyer, or anybody around there, is not going right to the employer always with every little thing. It is a great cause of discontent among the employees.

I don't think there is anything else I have to say.

Acting Chairman COMMONS. Did you make any group classification of the different department stores at all with reference to those that are favorable to what you consider the proper treatment of labor?

Miss SVENSON. Well, I think—of course, there are a few of the high-classed stores where the girls get better money, and I have made no classification whatever of them. I do know that there are some of the larger stores where the girls are being better paid, but most of them have little petty things go on just the same. I think there are very few where they do not have them.

Acting Chairman COMMONS. So far as the wage conditions are concerned, how many of the stores would you say are satisfactory?

Miss SVENSON. I do not think any of them are satisfactory, but I think they are better than the others. I think there are probably three or four stores in New York, three or four of the large stores, that pay a better wage than the others. That is all, I think.

Acting Chairman COMMONS. Does your union ask for a minimum wage?

Miss SVENSON. One of our demands is for a minimum wage.

Acting Chairman COMMONS. What is the amount?

Miss SVENSON. Nine dollars.

Acting Chairman COMMONS. You asked for nine— you ask for nine?

Miss SVENSON. Yes, sir.

Acting Chairman COMMONS. None of the stores come up to that?

Miss SVENSON. No, sir.

Acting Chairman COMMONS. Does that apply solely to the sales departments?

Miss SVENSON. That applies to all adult help. We have a \$5 minimum for what we call juniors.

Acting Chairman COMMONS. Juniors?

Miss SVENSON. Yes, sir.

Acting Chairman COMMONS. I think that is all. You are excused, Miss Svenson.

TESTIMONY OF MR. JAMES MACKIE.

Mr. THOMPSON. Give us your name.

Mr. MACKIE. James Mackie.

Mr. THOMPSON. And your address.

Mr. MACKIE. 8 East Ninth Street.

Mr. THOMPSON. And your business.

Mr. MACKIE. I am not working at the present time.

Mr. THOMPSON. How long have you been out of work?

Mr. MACKIE. Since the 2d of June.

Mr. THOMPSON. Where were you working on the 2d of June?

Mr. MACKIE. John Wanamaker's.

Mr. THOMPSON. How did you come to leave John Wanamaker's?

Mr. MACKIE. I was told by the detective. He asked me if it was true that I belonged to the employees' union, and I said, "Yes." He asked me did I know what that meant. I said, "No." "Well," he says, "how long have you been with this firm?" I says, "Well, for a number of years; about seven or eight years." He says, "Don't you think you are very foolish to join this union?" He says, "You risk losing your job, and you don't know when you will get another." "Well," I says, "I don't know; that might be true." He says, "Did you give this union any information with regard to John Wanamaker's store?" I said, "I did." He said, "Did you give them the ballots that were taken at Wanamaker's store some time ago?" referring to the employees having a union of their own. I said, "I did not." "Well," he says, "I have reliable information that you did." I says, "Well, I did not." "Did you give them any information about our employees' benefit association?" I said, "I did." "What information did you give them?" "Well," I said, "I was asked if John Wanamaker was still running his benefit association since the new law had passed, and I said that he was, but it was not being run illegally as it was not compulsory, as it had been, any more, as it had been before the law was passed. Now," I said, "is there anything wrong about that?" "Well," he says, "the general manager, Mr. Lynn, will have to decide that." He took me into Mr. Lynn and he told Mr. Lynn—he introduced me to Mr. Lynn, rather, and told Mr. Lynn that I belonged to the employees' union. Mr. Lynn asked me if it was true. I says, "Yes." He says, "Well, we don't care whether you belong to the union or not; that doesn't interest this firm; but if you have been giving any information about this firm to that union, we will have to get rid of you." Well, I told him what information I had given, and Mr. Kelly then told him about this ballot business, which I again denied. "Well," he says, "we will have to inquire into that, and if we find that you have been giving any information we will have to dismiss you." This was the day before Decoration Day. Just 10 minutes before the closing hour. I heard nothing more of it, and I went to work on Monday—Saturday was a holiday, and I went to work on Monday morning and worked all day and had not heard anything; and Monday evening I went to the head buyer and told him about it, and he had never heard of it—had heard nothing of the matter, and he says, "I don't think you will be dropped because you are a member of the union." I told him Mr. Lynn says that he doesn't care whether I am a member of the union or not, but I must not give any information to the union. And that's like telling a man he can go to church, but he must not pray.

I heard nothing more of it until Tuesday, when I was sent for to the employment office and given my slip of dismissal.

Mr. THOMPSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Call your next witness, Mr. Thompson—unless you have some further statements you would like to make, Mr. Mackie.

Mr. MACKIE. I have. I would like to tell you the length of time I worked for that firm and the cause of my first dismissal. In fact, if I would be allowed the time, I would like to give you my department store experience in the Wanamaker store, as I think it will give you a whole lot of light on the subject.

Commissioner O'CONNELL. Speak a little louder, please; we can't hear you over here.

Mr. MACKIE. I went to work for that firm first in September, 1905, as an entry clerk at \$10 a week, and it was in the furniture department, and we worked during the months of February and August until 11 o'clock at night, almost during those entire months. We received 35 cents for supper. On none of those occasions was I ever late but once. I was five minutes late, and was called up to the manager's office, who was then Mr. Duggan, who, I believe, is now with Gimbel's, and he gave me a 15-minute address. I said to him, "Mr. Duggan, it is the first time I have ever been late." He says, "Why were you late?" "Well, I am sorry," I says; "I don't feel very well this morning, and I overslept." "What right have you to oversleep? What right have you to oversleep?" I said, "Mr. Duggan, do you know that I have been working here this entire month until 11 o'clock and coming at 7.30 every morning?" He said, "No; we don't know anything about that." I was not docked for that.

Well, I worked in that department for three years. Then they made a change of a new buyer. The new buyer was known to me personally, and he did not like me. The first day he came into the department he was shown my duties by the chief clerk. The following morning he came into the office again, passed all the other clerks, came right up to me, asked me what my duties were. I told him. He says, "Is that all?" I said, "No; there are lots of other things I have got to do besides these regular duties. I have got to take the complaints for two hours every morning, and I have got the credits," and I told him numbers of other things I had to do. He said nothing more, but the third morning he walked in and did the same thing. That was during the February furniture sale. The last day of the sale I was dismissed. I went down to the management's office and asked them why I was dismissed. Well, they said, "There is no reason, except we are reducing the help." "Well," I says, "that's very strange; I worked here three and a half years, and there are two juniors in the office."

However, I just put in an application for a position again with Wanamaker's, and I went in every morning for three or four weeks to the employment office. I saw other people taken on, and on one occasion the employment manager told me he had a position for me in the upholstery stock room. He says, "Come in to work to-morrow morning." I went in the following morning, and at 9 o'clock into the upholstery stock room, and the manager of that department said, "I will phone down to the buyer," which he had, and this was the conversation which took place from one end. He gave my name to the person in my old department who had answered the phone and asked what he knew about me. Then the next thing that came over the phone was, "Well, isn't he any good at all? Is he honest? Is he reliable? Is that so? All right." "We are very sorry, Mr. Mackie, but we can't use you."

I went in that employment office for three or four weeks regularly every morning, but could obtain no employment. Finally I gave it up as a bad job, and tried some of the other stores, and could get no employment anywhere for seven months. Seven months I was out of work. Finally some one in Siegel-Cooper's store who had formerly worked in Wanamaker's, and had a very good position in Siegel-Cooper's store called me one day, and he says, "Now, look here; I have phoned down to Wanamaker's furniture department, and you will get no work anywhere unless you cease giving Wanamaker as a reference." I says, "What does that mean?" He says, "This is the reference they are giving: That they are sorry, but that after you have worked for them several years they have found it for their best interests to dispense with your services; but they have no charges to make. Now, while that is not saying anything, it is saying a whole lot."

So I sat down and wrote Mr. John Wanamaker a personal letter and registered it and marked it "Personal," and told him all the facts in the case. I received no reply from Mr. Wanamaker, and so I wrote him again, telling him all he stood for and the philanthropy and charity, and told him all I wanted was justice and not philanthropy or charity, and I received no reply to that letter, either; but he did have an investigation.

Finally, I got a position with James A. Hearn & Son on Fourteenth Street, and I worked in their stock room for a year and a half. I went in for \$9 a week, and I got a raise of \$1—to \$10. I left there afterwards, and through another friend I got a position with Abraham & Strauss, of Brooklyn, with the sheet writing department and worked for five months, and the hours were from 6 p. m. until the work was finished the next morning, which was usually at 8.30 a. m. We worked in the basement below the level of the street, where the lights were all artificial and the floor was unpaved, and in rainy weather water would all come in, and finally I felt I could not stand the work. I was not strong enough, and I left there and went back to Wanamaker's, in their busy season in November. They do not look up your references when you come in at that time, and I made good for Christmas and they kept me on after the holidays and made me head of stock of that department, and I got an increase a year after that of \$2, making \$14.

Last February I was laid off because John Wanamaker could not afford to pay me \$14 a week. They put another man in my place for \$12. I had been working from the middle of November every year until the 1st of January until 11 and 12 o'clock at night without missing a night, and I went in to work at 7.30 every morning. I was never late but once in the seven years of my service with John Wanamaker. And the only reason given was that they

were dismissing me because they could not afford to pay me \$14 a week after seven years service. I was out three weeks, and was taken back in another department at a reduced salary. Then I was sent for by the detective, Mr. Kelly, and was dismissed.

Acting Chairman COMMONS. I think there are no questions. Will you call the next witness, Mr. Thompson?

Mr. THOMPSON. Mr. Schwartz.

TESTIMONY OF MR. S. NICHOLAS SCHWARTZ.

Mr. THOMPSON. If the chairman please, Mr. Schwartz is called at the request of the union. Please give us your name, your address, and your present business?

Mr. SCHWARTZ. S. Nicholas Schwartz, 132 Sumner Avenue, in Brooklyn. My present business is real estate.

Mr. THOMPSON. Have you at any time in the past been employed in a department store in this city?

Mr. SCHWARTZ. Yes, sir.

Mr. THOMPSON. What store? And when were you employed?

Mr. SCHWARTZ. I was employed in Bloomingdale Bros.' store for three and one-half years, since May, 1906, until November, 1909.

Mr. THOMPSON. How did you come to leave the employment of Bloomingdale Bros.?

Mr. SCHWARTZ. As a result of a quarrel that I had with the manager of my department, during which we both lost our heads and called each other names. I left the store in a huff. I came downtown and consulted one of my most intimate friends—

Mr. THOMPSON (interrupting). Were you discharged?

Mr. SCHWARTZ. I think in justice to me I ought to explain the circumstances, and I will not elaborate but just give the bare details. I came downtown and consulted with a very intimate friend of mine and told him that I had left the store. He suggested that it would not be wise for me to leave the store as a result of a quarrel, and he urged me against permitting my passion to get the better of my judgment. So, on his advice, and after my own reconsideration, I did not want to leave the store under those conditions, so I decided to go back to the store and put the matter up to the firm, or to the superiors, for them to decide whether I was right or wrong. The next morning I went up to the timekeeper's office to give my time and the timekeeper handed me a slip, the discharge slip. It simply said, "Your services are no longer required," or words to that effect. I was astounded, and I came down to the office of the superintendent and asked him about it, whether I was to be discharged without being given a hearing? He said he did not know anything about it. I went to Mr. Samuel J. Bloomingdale, and by the way, both Mr. Samuel J. Bloomingdale and the superintendent at that time are in this room here now. I told him about it. I recalled to him the fact that he and I had been corresponding; the fact that he had approved of my work; the fact that he had asked me through a personal letter written in his own handwriting to try and install such improvements into my department as I had outlined in a certain article that I had written. He turned a deaf ear on me and refused to listen. I went back to the manager. He said he did not know anything about it. That was the end of it. Those are the circumstances under which I left the employment.

Mr. THOMPSON. Now, Mr. Schwartz, since that time or during that time, you were acquainted with the conditions in Bloomingdale Bros.?

Mr. SCHWARTZ. Yes, sir.

Mr. THOMPSON. That is about four years ago?

Mr. SCHWARTZ. Four and a half years ago exactly.

Mr. THOMPSON. Do you know now anything with reference to the conditions in that store, or other department stores in this city, with reference to sanitation, hours of work of the female employees, wages, or the general treatment of employees?

Mr. SCHWARTZ. Do you mean conditions as they exist now, and not as they existed four and a half years ago?

Mr. THOMPSON. Of your own knowledge, yes.

Mr. SCHWARTZ. Yes. Will you permit me to make a statement in regard to these things?

Mr. THOMPSON. Yes.

Mr. SCHWARTZ. If you will permit, Mr. Thompson, I would like to give merely a little matter of record as to the number of department stores and the number of employees which I have acquired during my investigation. It is only a matter of about a half a minute. I just want to say that there are 32 department stores in Greater New York, with a total capital of from sixty-five to seventy-five million dollars. These department stores employ about 70,000 workers, of whom about two-thirds are women. I will now pass on to answer your questions. In my three and a half years employment and altogether within the past eight years, I have secured data and information that is beyond refutation, showing that the employees in the department stores of New York City do not receive a living wage, and that in many cases the sanitary, moral--

Mr. THOMPSON (interrupting). I think, Mr. Witness, that you should stick to the facts. We don't want to speak--

Mr. SCHWARTZ (interrupting). This is just introduction.

Mr. THOMPSON. If there is anything you want to file, any document you want to file, we will take it, but I want you to confine your answer to your own experience with hours, sanitary conditions, wages, any violations of the law regarding the employment of women?

Mr. SCHWARTZ. Yes, sir.

Mr. THOMPSON. And any violation of sanitary laws in the State?

Mr. SCHWARTZ. Will you permit me first to simply state--

Mr. THOMPSON (interrupting). I must object to--unless the commission wishes you to make this kind of a statement, I must object.

Acting Chairman COMMONS. Your statement is entirely too general. You should give us information and not opinions.

Mr. SCHWARTZ. Exactly.

Acting Chairman COMMONS. If you can give us specific information that is not based on any opinions, we will be glad to have it.

Mr. SCHWARTZ. May I state in what capacity I was employed, and what my work was and how I came to know conditions?

Mr. THOMPSON. Those are all right, those facts.

Acting Chairman COMMONS. The conditions of wages, and what you know of present conditions?

Mr. SCHWARTZ. Exactly.

Acting Chairman COMMONS. What is the investigation that you have made? Will you tell us that?

Mr. SCHWARTZ. My investigation simply refers to my following up the conditions that I know existed at the time, in order to ascertain whether they still exist at the present time.

Acting Chairman COMMONS. And how many stores have you covered in this investigation?

Mr. SCHWARTZ. I have not made any investigation. I simply have ascertained in Bloomingdale Bros.' store by my personal observation since I have left the store, to see what the conditions are there at the present time.

Acting Chairman COMMONS. And how did you get this information at the present time?

Mr. SCHWARTZ. By having gone to the store personally ever since I left the store.

Acting Chairman COMMONS. What, have you made a thorough inspection?

Mr. SCHWARTZ. Yes, sir; exactly.

Acting Chairman COMMONS. Mr. Thompson, will you ask such questions as you wish?

Mr. THOMPSON. How often have you visited Bloomingdale's store?

Mr. SCHWARTZ. I could not say how many times.

Mr. THOMPSON. Since you left?

Mr. SCHWARTZ. What is that? Since I left?

Mr. THOMPSON. Yes.

Mr. SCHWARTZ. A great many times.

Mr. THOMPSON. When was the last time you visited there?

Mr. SCHWARTZ. The last time I visited Bloomingdale Bros.' store was on or about the 5th day of January, this year.

Mr. THOMPSON. And what conditions then did you find in Bloomingdale's store with reference to any of these questions?

Mr. SCHWARTZ. Yes, sir--

Mr. THOMPSON (interrupting). What were the conditions of sanitation?

Mr. SCHWARTZ. I will now tell you. The conditions of sanitation, when we came to the store in the morning we had to go up to the fifth floor, to the timekeeper, and we had to use the freight elevators—

Mr. THOMPSON (interrupting). Mr. Schwartz, I asked you what conditions you found in January when you went into the store in sanitary matters?

Mr. SCHWARTZ. Well, Mr. Thompson, I went on that day—I went there for a specific purpose, to look up only certain conditions.

Mr. THOMPSON. What purpose did you go for and what did you find?

Mr. SCHWARTZ. I went on or about that day with the representatives of the consumers' league, to show them and have some one else see besides myself what the conditions are. I showed that lady—

Mr. THOMPSON. What representative of the consumers' league went with you that time?

Mr. SCHWARTZ. Miss Nell Swartz, the executive secretary of the consumers' league.

Mr. THOMPSON. Any relative of yours?

Mr. SCHWARTZ. No; no relative whatever.

Mr. THOMPSON. What condition did you see in company with these people who went with you?

Mr. SCHWARTZ. I went with Miss Swartz to show her—if I may be permitted to use Miss Swartz's name; or I could simply refer to the official of the consumers' league.

Mr. THOMPSON. Say it as you please.

Mr. SCHWARTZ. I went with that lady to show her in what condition the toilets in the store were, particularly the toilets on the fifth floor and the toilets in the basement. We went up together. We went together up to the fifth floor. I asked this lady to go into the women's toilet and I went into the men's toilet. I wanted to show her that between the two toilets there was a large opening about the size of an ordinary window, without any glass in it, between the two toilets. She saw and I saw that that was the case.

Mr. THOMPSON. Where was this opening with reference to the floor; about how broad and about how high?

Mr. SCHWARTZ. The two toilets were separated by a wooden partition. The wooden partition ran not quite up to the window, to within about 2 feet of the window. From that point the partition turned west without reaching the window. Now, I suppose—I will not suppose anything. So that the women's toilet was separated from the men's toilet by this partition. Now, on that partition that ran east and west there was that opening, that must be about 24 inches—about 24 inches by about 36 inches—in order to permit the air through the window to go into the women's toilet, as we saw it.

Mr. THOMPSON. How high was the bottom of that opening from the floor?

Mr. SCHWARTZ. Well, the bottom of that opening was about $4\frac{1}{2}$ to 5 feet from the floor.

Mr. THOMPSON. So that a person of ordinary height standing there could look freely through this opening?

Mr. SCHWARTZ. Exactly.

Mr. THOMPSON. Push their head through?

Mr. SCHWARTZ. What is that?

Mr. THOMPSON. Almost lean through?

Mr. SCHWARTZ. Well, if I had not been ashamed of myself I would have looked at Miss Swartz.

Mr. THOMPSON. What other condition did you find there then?

Mr. SCHWARTZ. Then I took her downstairs to the basement, and I showed her where to enter the ladies' toilet on the Fifty-ninth Street side. I went in through the men's toilet. I showed her in the partition that separates those two toilets a large, round opening, about 8 or 10 inches in diameter, in this partition between those two toilets at the height of about 8 feet from the ground.

Mr. THOMPSON. What other condition did you see there then at that visit?

Mr. SCHWARTZ. I recall now that the distinct purpose of that particular visit was in order to refute and to criticize the report of the National Civic Federation on conditions in department stores. Another thing that we did was to go down to the office, dental department, and I asked a young lady that waited on people who came in how much discount they allowed to employees. The report of the National Civic Federation had stated that Bloomingdale Bros. store allows a discount of about 50 per cent to employees on dental work.

Acting Chairman COMMONS. What per cent did you say?

Mr. SCHWARTZ. Fifty per cent. Both of us questioned this young lady, and she said that employees got 15 per cent.

Mr. THOMPSON. What was the position the young lady occupied?

Mr. SCHWARTZ. As reception clerk; had a little desk right at the door and received visitors and received patrons.

Acting Chairman COMMONS. In your opinion she would naturally know what discount was allowed?

Mr. SCHWARTZ. Yes, sir. In addition to that, we went up to the fifth floor, and there I saw a sign—the fifth floor is the employees' floor—and there hung a sign that stated in large type that employees who will patronize the dental department will receive a discount of 15 per cent.

Mr. THOMPSON. Fifteen per cent?

Mr. SCHWARTZ. Fifteen.

Mr. THOMPSON. Did you take that matter up with the Civic Federation?

Mr. SCHWARTZ. I wrote a letter to The Survey, which was published, stating these facts.

I next went with this young lady to the optical department, where the report of the National Civic Federation had said that employees again receive about 50 per cent discount. We asked two people—two clerks at the optical counter—and they said that employees receive only 10 per cent commission, the same as do firemen, policemen, school-teachers, and other privileged people; rather, people in the employ of the city.

We next went—

Mr. THOMPSON. Did you write of that?

Mr. SCHWARTZ. I did. That has never been refuted.

Mr. THOMPSON. In the same letter.

Mr. SCHWARTZ. In the same letter. I have a copy of The Survey here.

Mr. THOMPSON. Will you file that with the commission?

Mr. SCHWARTZ. I will be very glad to do that.

(The paper was marked "Schwartz Exhibit No. 1, June 11, 1911.")

Schwartz Exhibit No. 1, The Survey, vol. 31, No. 16, Jan. 17, 1913, publication office 105 East Twenty-second Street, New York, was submitted in printed form.)

Mr. SCHWARTZ (continuing). We next went to the bank in the store, because the report of the National Civic Federation had stated that one of the welfare features in this store is that the store permits employees to open savings accounts with as low as \$1. I wanted to prove that anyone could go there and open a savings account with \$1, and that it was not an inducement to the employees. I talked with one of the men at the bank, and we left. He had told me that I can open an account with \$1. But in order to get that information in writing, and to get it in such a form that it can never be refuted, a few days later I went to the bank as a perfect stranger, which I was, unknown to those who talked to me at the bank, and I opened a savings account for my little daughter with \$1, and I have got the savings bank in my pocket.

Mr. THOMPSON. You mean the book?

Mr. SCHWARTZ. The savings book, showing that my little daughter, 2½ years old, had opened an account with \$1, I being the trustee.

Mr. THOMPSON. What other things did you ascertain at that time?

Mr. SCHWARTZ. Those are all the actual things that I showed to the official of the consumers' league, although my purpose there was also to ascertain about other things which have been included, which I have included in my letter to The Survey.

Mr. THOMPSON. What other things did you find there than what you have stated?

Mr. SCHWARTZ. For instance, if you will permit me to read a few lines from this letter, it will save time and possibly get the thing concisely.

My letter says, reviewing that part of the report which deals with Bloomingdale Bros., I find that Bloomingdale Bros.—this is in quotation marks, quoted from the federation's report:

"Bloomingdale Bros. have an ideal plan whereby the common approach to the arrangements for men and women in the basement will be eliminated."

My letter says this:

"According to Mr. Willcox, his investigation started in January, 1911, and lasted until January, 1912, so that two years have passed since the end of that investigation, and the ideal plan is still being contemplated. It has not been put into effect."

Then I tell about the optical department and the dental fact.

Mr. THOMPSON. What are the conditions there now?

Mr. SCHWARTZ. What?

Mr. THOMPSON. You are reading from that article?

Mr. SCHWARTZ. Yes, sir. The conditions there at the present time, that common approach is exactly as it was at that time.

Mr. THOMPSON. How about the sanitary conditions that you have spoken about, in relation to the two toilets, one on the fifth floor and one in the basement?

Mr. SCHWARTZ. I addressed a mass meeting at Cooper Union on January 8 of this year under the auspices of the consumers' league, at their request. I told about these conditions and briefly I mentioned about the toilets. I thought at that time, in view of the fact that counsel for the retail dry goods association, who is in this room at the present time, sat on the platform with me and heard me recite all of the conditions that existed in Bloomingdale Bros., I was childish enough to think that at least the condition of the toilets will at once be remedied. I waited about two weeks, then through friends of mine who are employed in the store—I did not dare to go into the store after that—I learned that the condition of the toilet was still exactly as it had been. So I went down to the department of labor on Forty-third Street, saw the chief mercantile inspector—I believe I wrote him a letter about that—he, too, is in this room at the present time. I told him or wrote him also that I had been talking about certain conditions in Bloomingdale Bros.' store, and that I felt that they were so important that I ought not to limit myself to talking about them, but that I ought to take some action and call the facts to the attention of the responsible officials. I called that to his attention, and then he asked me to put that in writing. I wrote him a letter about those things. A couple of days later I received a letter from him stating that subsequent to my interview with him, and before the receipt of my letter, he had already sent his inspectors to Bloomingdale Bros.' store, and that the store had promised to follow the recommendations of the inspectors.

Shortly after that, again I had my friends look at those toilets and report to me what the conditions were. The report then was this, about two or three weeks after my complaint:

That that open space on the fifth floor between the men's toilet and the women's toilet was now covered with a wooden board from a point about 2 or 3 feet below the ceiling to a point about 2 feet from the ground. So that while there was a board between the two toilets, there was still the opening at the top and the opening at the bottom.

About the opening in the basement toilets, he told me it was exactly as it has been before. I complained again to the mercantile inspector, in my opinion, that condition did not comply with the requirements of the labor law, which are that toilets should be completely screened.

Soon after that, some time after that, my friends again informed me that the open space on the fifth-floor toilets had been at last covered up completely, and only the other day I received my latest report that the opening in the partition between the toilets in the basement is still there.

Mr. THOMPSON. What other facts did you then ascertain?

Mr. SCHWARTZ. My letter also mentions this, the committee is again—that is, the welfare committee of the federation—"the committee is again in error when it declares that at Bloomingdale Bros. all employees are paid for overtime at Christmas or any other season."

That has not been refuted. Mr. Hiram C. Bloomingdale testified before the commission yesterday that employees received overtime at Christmas. And then the report ends by saying—my letter ends by saying:

"The report is replete with other statements which, although untrue, are so ridiculous that nothing would be gained by exposing them."

Another condition regarding the sanitary conditions that I pointed out to this lady was this: I took her down to the basement in the house-furnishing department, where stoves are being sold. My first two months in that store were spent in that stove department as a sales clerk in the stove department. I showed her, if I remember correctly—I don't remember whether I showed her, but I think I did, anyway I testify that that is the condition—that the only thing that separated the stove department from the boiler room was a wooden partition, or what is called ceiling boards. This was interesting, because during those months, May and June, that I was employed in that store, I often wondered whether Hades was any hotter than the stove department, with the boiler room adjoining.

The next thing I showed her was the fact that in the house-furnishing department—that is where hardware, tinware, woodenware, etc., are sold, and which occupies an area of 100 feet by 200 feet—there were not any windows, only small skylights, small transoms on the level with the sidewalk; those transoms, I judge, are not more than about 12 inches by about 5 or 6 inches, as near as I can figure it out. So that the only air that we got in the house-furnishing department was what was blown in, together with the sidewalk dust, through those little transoms. That is another condition that I believe I pointed out to the secretary of the consumers' league.

Mr. THOMPSON. What other conditions did you see there then with reference to sanitary conditions of the store?

Mr. SCHWARTZ. I think that was about all so far as the sanitary conditions are concerned.

Mr. THOMPSON. When did you make a visit previous to that one? What was your next visit previous to that in which you saw anything about the sanitary conditions?

Mr. SCHWARTZ. My next visit?

Mr. THOMPSON. Yes; prior to that. Or is that all you care to say about the sanitary conditions?

Mr. SCHWARTZ. That is all I know and how to say. My previous visits I don't know just when they were. I might say also that my visits to the store were not alone to look up these conditions, but I very often went up there to see my friends, and I did call on my friends, and always saw them on the floor, because of my personal relations.

Mr. THOMPSON. In reference to the mutual-benefit law. I understand you want to say something in that respect?

Mr. SCHWARTZ. Which would you have me say first—about the mutual-aid conditions in the Bloomingdale store?

Mr. THOMPSON. As they are now, not as they were four years ago. Or as they were recently. Not necessarily to-day.

Mr. SCHWARTZ. Well, of course, that limits me. I was ready to say what the conditions of the mutual aid association were at the time I was employed there. I can not say in such a way that it could not be refuted just what they are at the present time.

Mr. THOMPSON. Do you know what they were six months ago?

Mr. SCHWARTZ. From information and belief.

Acting Chairman COMMONS. I think you had better pass on to another proposition, Mr. Thompson.

Mr. THOMPSON. Yes.

What other subject do you wish to speak about now?

Mr. SCHWARTZ. I wish to say about the manner in which the department stores use publicity in order to create public sentiment favorably to them. Can I speak on that?

Mr. THOMPSON. If he has any relation to the agreements, or rather, to the relationship between the employees and the employers.

Mr. SCHWARTZ. Exactly; only as it relates to the employees and employers.

Mr. THOMPSON. Not about business matters?

Mr. SCHWARTZ. No, sir; not business matters.

In the New York Herald of July 5, 1908, there appeared a story telling of the firm of Bloomingdale Bros.; how the firm had given a number of their girl employees a lawn party in Central Park; and ice cream was served, so the story said; lemonade was served, and cake, and the girls had a jolly time. There was also a photograph accompanying this story, showing about 20 girls in white dresses, with white umbrellas open, smiling and apparently very happy. I, too, smiled, but in a different way, for a different reason. The next day I talked to some of the girls whom I recognized in that photograph, and this is what they told me: They told me that they had received orders to report one day—to report the next morning at 9 o'clock at Fifth Avenue and Seventy-second Street, at the entrance to Central Park; and they were going to have their picture taken. Accordingly they assembled at Fifth Avenue and Seventy-second Street the next morning. At 9 o'clock the photographer came, stood them up on the lawn in a crowd, snapped their pictures, and said, "Good-by, girls"; and then they went back to the store.

I also used to read in the newspapers a couple of days before Thanksgiving Day that the firm was very generous in distributing free turkeys to the employees. I am not going to say that free turkeys were not distributed, because

they may bring some one to testify where he did receive one. They may bring a great many, for all I know, but I have never received a turkey in three and a half years; and upon inquiry I have not been able to find anyone who has.

That is all I care to say.

Mr. THOMPSON. Is there anything else you care to say?

Mr. SCHWARTZ. No, sir.

Mr. THOMPSON. On any other matter?

Mr. SCHWARTZ. In view of the fact that I do not want to take too much of your time, I don't care to say any more.

Mr. THOMPSON. Have you any written or printed matter you would like to file with the commission?

Mr. SCHWARTZ. No, sir. If you will get the issue of the New York Herald of July 5, 1908, you will get that story.

Mr. THOMPSON. That is all?

Mr. SCHWARTZ. Mr. Counsel, if you will permit me, I would like to say a few more words about wages. I want to call your attention to—

Mr. THOMPSON. With reference to what time do you wish to speak; the wages where and in what store?

Mr. SCHWARTZ. In regard to John Wanamaker's store, I want to quote two passages from their own report of the employees' mutual aid association, showing that the employees can not afford to be ill on the wages they receive, and can not afford to die on the wages they receive. I am not going to make any comment, but I will read two passages.

Mr. THOMPSON. Will you file that with the commission?

Commissioner O'CONNELL. Read the passages.

Mr. SCHWARTZ. It says this: "Milk and eggs have been supplied where needed, as heretofore. The value of this extra nourishment is shown by the fact that of the 157 members aided in this way only 14 have lost time since beginning treatment."

Commissioner O'CONNELL. What is the date of that book?

Mr. SCHWARTZ. December 16, annual meeting, 1912-13.

Another paragraph, too, that I wish to call attention to is this [reading]:

"Funeral expenses were paid in two cases where the employee had no funds. If the money had not been available the bodies would have been buried in the potter's field."

That is all.

Mr. THOMPSON. You may file that with the commission, if you please.

Mr. SCHWARTZ. Very glad to.

Acting Chairman COMBES. Any questions?

Commissioner GARRETSON. Did you hear the testimony of Mr. Bloomingdale yesterday that between their boiler room and their sales department there was a brick wall?

Mr. SCHWARTZ. Yes, sir.

Commissioner GARRETSON. Is it true?

Mr. SCHWARTZ. It is not.

Commissioner GARRETSON. What form of partition is there, Mr. Schwartz?

Mr. SCHWARTZ. Exactly as I stated—a wooden partition.

Commissioner GARRETSON. One thickness of boards?

Mr. SCHWARTZ. To the best of my recollection, it is one thickness of board.

Commissioner GARRETSON. There is a mutual benefit department in Bloomingdale's, and was there when you were employed there, Mr. Schwartz?

Mr. SCHWARTZ. Yes, sir.

Commissioner GARRETSON. Were the employees compelled to be members of it?

Mr. SCHWARTZ. Well, the book of the association contradicts itself in two places. In one place it says the membership is not compulsory, and in another paragraph it says virtually it is.

Commissioner GARRETSON. Does the affair call itself voluntary, like others?

Mr. SCHWARTZ. Yes, sir.

Commissioner GARRETSON. Was the firm aware of the fact when you made this investigation accompanied by Mrs. Schwartz?

Mr. SCHWARTZ. Were they aware? No.

Commissioner GARRETSON. Did you hear the testimony yesterday of the number of representatives of the department stores, including Mr. Bloomingdale, that they held themselves always ready to mete out even-handed justice when appeal was made to them?

Mr. SCHWARTZ. Yes, sir.

Commissioner GARRETSON. Does your experience in appealing lead you to believe that justice is always on tap in case of a discharged employee?

Mr. SCHWARTZ. My opinion is that that is not their intention; but I suppose, if you will permit me to make a voluntary statement, I suppose that the two men to whom I referred are in this room ready to contradict my statement regarding or referring to the fact that I went to the superintendent and then went to Mr. Samuel J. Bloomingdale and could get no relief. Of course, you understand that I have no witnesses to prove that I did go, except my own statement.

Commissioner GARRETSON. That was all that I asked for—your own opinion.

Mr. SCHWARTZ. My own opinion.

Commissioner GARRETSON. Did you hear the statement—but first, on the conditions that you describe as obtaining in the men's and women's toilets, it would take some expenditure of money, wouldn't it, to have corrected the evils that will give the amount of ventilation that is provided for by this opening, by some other means?

Mr. SCHWARTZ. Well, of course you know I never went into the ladies' toilet.

Commissioner GARRETSON. Well, you said it was for the purpose of furnishing ventilation from one window for both local conditions.

Mr. SCHWARTZ. Yes, sir. That is the only reason I can ascribe for it.

Commissioner GARRETSON. It would have taken some money to have corrected that condition?

Mr. SCHWARTZ. Yes, sir.

Commissioner GARRETSON. Did you hear the statement made this morning on the stand—that the dry-goods business was one for profit, and that equity had to be banished, even if necessary for the purpose of securing a profit?

Mr. SCHWARTZ. That is my opinion absolutely.

Commissioner GARRETSON. Propriety sometimes goes with equity as well?

Mr. SCHWARTZ. Yes, sir.

Commissioner GARRETSON. Profits takes precedence over propriety?

Mr. SCHWARTZ. Exactly. That has been my experience.

Commissioner GARRETSON. That is all.

Mr. SCHWARTZ. May I say a few words about welfare work? I will not give you any opinion. I will simply say that this store that I speak of—Bloomingdale Bros., where all these conditions obtain—has recently installed dancing rooms to, the girl employees. Another large department store—one of the very largest—the superintendent of which has informed one of our union workers that he will fire the first employee whom he discovers having joined the union—that store has within the last two or three months hired a social worker. That has been told to me by the superintendent of that store himself in his own private office, when he did not know to whom he was talking. That is all.

Acting Chairman COMMONS. Mr. Thompson, you may call your next witness.

Mr. THOMPSON. Mr. Bloomingdale, the counsel for the dry goods stores association, wishes to present an affidavit here.

Acting Chairman COMMONS. Well, I think we would be very glad to have Mr. Bloomingdale on the witness stand as a witness.

Mr. BLOOMINGDALE. I don't know whether I would be a maternal witness, as I am not in the business—

Acting Chairman COMMONS. We will subpoena you and give you plenty of opportunity to answer—

Mr. BLOOMINGDALE (interrupting). This is a matter which has no concern with the conditions there, but refers to the testimony of one witness who was on the stand this morning.

Acting Chairman COMMONS. Well, Mr. Bloomingdale, you may be called as a witness—

Mr. BLOOMINGDALE (interrupting). You want me to reserve this until then?

Acting Chairman COMMONS. If you will.

Mr. THOMPSON. I will call Mr. Namm.

TESTIMONY OF MR. BENJAMIN H. NAMM.

Mr. THOMPSON. You may give your name.

Mr. NAMM. Benjamin H. Namm.

Mr. THOMPSON. And your address.

Mr. NAMM. Business or residence address?

Mr. THOMPSON. Both.

Mr. NAMM. Business address, 462 Fulton Street, Brooklyn, care of the A. I. Namm Department Store, and my residence address is 22 West Seventy-second Street, Manhattan.

Mr. THOMPSON. What is your business?

Mr. NAMM. Department store.

Mr. THOMPSON. Are you a member of the firm of A. I. Namm & Co.?

Mr. NAMM. I am.

Mr. THOMPSON. Is your firm a member of the retail dry goods association?

Mr. NAMM. It is.

Mr. THOMPSON. What is the purpose of the retail dry goods association, if you know?

Mr. NAMM. I can hardly answer that question.

Mr. THOMPSON. Why couldn't you hardly answer it? Don't you know?

Mr. NAMM. The retail dry goods association has many purposes, and perhaps the president of the retail dry goods association, who is here, can better answer that question than I can. I am a member and I enjoy many benefits, including that of consultation and meeting with members of the association.

Mr. THOMPSON. Who are the officers of the association?

Mr. NAMM. The president is Mr. Percy Strauss; the vice president is Mr. Conne, of Saks; the treasurer is Mr. L. K. Price; and the secretary, I believe, Mr. Strauss—I don't recall the secretary's name, but the assistant secretary is Mr. Dunn.

Mr. THOMPSON. What is the attitude, if you know, of the association toward the existence of trades-unions in the department stores of this city?

Mr. NAMM. Oh, I am sure I don't know what the attitude is. I am here to answer facts, but I don't think a question like that is proper.

Mr. THOMPSON. Well, I think it is, and I think you should state if you know.

Mr. NAMM. I don't know.

Mr. THOMPSON. You don't know?

Mr. NAMM. No, sir.

Mr. THOMPSON. So far as you are concerned and know, as a member of this association, this association takes no position on the question of the unionization of the employees of the stores?

Mr. NAMM. Not that I know of.

Mr. THOMPSON. How many employees have you in your store?

Mr. NAMM. Approximately 1,200.

Mr. THOMPSON. How many women and how many men?

Mr. NAMM. About 500 men and about 650 women.

Mr. THOMPSON. Of the 650 women, how many of those are over 16 years of age?

Mr. NAMM. I simply wish to state, gentlemen, that I received no notice to appear before the commission, and consequently my figures have been prepared very hastily, when I was notified this morning that mention had been made by a witness of our particular store; but I received no notice, summons, or subpoena to appear before your commission.

Mr. THOMPSON. I will say for the benefit of the commission that A. I. Namm, the senior member of that firm, was both subpoenaed and notified in writing, and was sent a copy of the question I am going to ask this witness, and that was more than a week ago.

Mr. NAMM. Well, it happens that I am the senior member of the firm.

Mr. THOMPSON. Well, A. I. Namm; is he living?

Mr. NAMM. Yes, sir.

Mr. THOMPSON. Anything to do with the firm?

Mr. NAMM. Not actively engaged in the business; no.

Mr. THOMPSON. Interested?

Mr. NAMM. Interested; has no stock; but is an officer of the corporation.

Mr. THOMPSON. Member of the board of directors?

Mr. NAMM. Yes, sir.

Mr. THOMPSON. Now, will you kindly tell us of the 650 women—how many are over the age of 15 years?

Mr. NAMM. Over 16, 416. I will have to ask my secretary, Mr. Connor, to help me with this data.

Mr. THOMPSON. Of the 200 and more women employees under 16 years of age, what are they engaged in doing?

Mr. NAMM. Under 16 years of age?

Mr. THOMPSON. Are they sales people or just general employees?

Mr. NAMM. They are not sales people under 16 years of age.

Mr. THOMPSON. What is the lowest wage or minimum wage paid by your firm for saleswomen?

Mr. NAMM. Six dollars.

Mr. THOMPSON. How many of the 416, or whatever it was that you stated, receive that minimum wage?

Mr. NAMM. What is that question?

Mr. THOMPSON. How many of this four hundred and odd saleswomen receive the minimum wage of \$6?

Mr. NAMM's SECRETARY. That question is not asked on this list, and to give you an accurate answer I don't think we can.

Mr. THOMPSON. How many of the saleswomen receive more than \$9 a week?

Mr. NAMM. Forty-five receive more than \$9 a week.

Mr. THOMPSON. How many receive more than \$8 a week?

Mr. NAMM. Two hundred and two.

Mr. THOMPSON. That leaves about 214 who receive less than \$8 a week of your sales force?

Mr. NAMM. Yes, sir; but I simply wish to bring to your attention that evidently no provision has been made for the \$9 wage. The question there calls for how many salesmen receive more than \$9 and how many earn less than \$9. Now, the \$9 employees, of whom we have 35, at \$9—

Mr. THOMPSON. Well, my question of you was, how many receive more than \$9 per week and how many receive more than \$8 per week, which, of course, would include the \$9 people.

Mr. NAMM. That would be 238.

Commissioner O'CONNELL. The question should have been, how many receive \$8 or more?

Mr. NAMM. It would be 238.

Mr. THOMPSON. In other words, 238 receive less than \$8 per week?

Mr. NAMM. Less than \$9 a week.

Mr. THOMPSON. How many receive less than \$8 a week?

Mr. NAMM. Thirty-three—I beg to correct that—146.

Mr. THOMPSON. One hundred and forty-six receive less than \$8 a week?

Mr. NAMM. Yes.

Mr. THOMPSON. Have you any opinions upon the proposition of the establishment of a minimum-wage law in this State?

Mr. NAMM. I have none?

Mr. THOMPSON. You have no opinions about it—you don't know whether you favor it or are against it?

Mr. NAMM. I have no opinion.

Mr. THOMPSON. I mean a minimum wage for women?

Mr. NAMM. Yes; I understand.

Mr. THOMPSON. At what time do they leave at night now?

Mr. NAMM. Well, I presume that all of our employees are out of our building by 6 10.

Mr. THOMPSON. What time does your store open to the public, and what time does it close?

Mr. NAMM. Nine o'clock is the opening hour and six o'clock is the closing hour; in summer, five; Saturdays at twelve; opening hour remains the same.

Mr. THOMPSON. Saturday half day closing. Does that exist all the year through?

Mr. NAMM. Just during the months of July and August; during the summer months.

Mr. THOMPSON. Then what are the hours on Saturday?

Mr. NAMM. Nine until twelve.

Mr. THOMPSON. I mean in the winter months—in the winter months?

Mr. NAMM. In the winter months our hours are from 9 until 6 o'clock. Until recently they have been until 6:30.

Mr. THOMPSON. Do your people frequently have to work overtime?

Mr. NAMM. Very infrequently.

Mr. THOMPSON. It has been stated on the witness stand this morning that many of the employees have to work every night from half an hour to an hour overtime.

Mr. NAMM. Many of our employees?

Mr. THOMPSON. Yes; many of your employees.

Mr. NAMM. It is untrue.

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Mr. THOMPSON. It was also stated that every employee will have to work overtime at least two or three times a week half an hour or an hour?

Mr. NAMM. Oh, that is ridiculous.

Mr. THOMPSON. Is it true?

Mr. NAMM. No; it is not.

Mr. THOMPSON. Was it ever true recently?

Mr. NAMM. No.

Mr. THOMPSON. Within the last year?

Mr. NAMM. No.

Mr. THOMPSON. Do you give pay for overtime in your store; and if so, how much?

Mr. NAMM. We compensate for overtime by making up the time some other day of the week. But, as I state, our overtime is very little.

Mr. THOMPSON. Do your employees ever work on Sunday?

Mr. NAMM. No.

Mr. THOMPSON. Then if that was stated on the witness stand that was also untrue?

Mr. NAMM. Untrue. Well, now, I did not hear the statement that was made this morning and perhaps you might be a little bit general. I am only speaking of a certain recent period of time.

Mr. THOMPSON. Well, for the last year?

Mr. NAMM. The last year; no.

Mr. THOMPSON. How about the last two years?

Mr. NAMM. It is possible that during those two years or during the preceding year that there may have been some Sunday work among our men.

Mr. THOMPSON. And if that work was then carried on it is now abandoned by your firm?

Mr. NAMM. It has since been abandoned.

Mr. THOMPSON. It has since been abandoned?

Mr. NAMM. Yes.

Mr. THOMPSON. Have you got a mutual benefit association in your firm?

Mr. NAMM. We have; that is, the employees have.

Mr. THOMPSON. Do they elect the officers?

Mr. NAMM. Yes.

Mr. THOMPSON. The trustees?

Mr. NAMM. Yes.

Mr. THOMPSON. They have charge of the fund.

Mr. NAMM. They do; the funds are carried in a separate depository outside of the store.

Mr. THOMPSON. What, if anything, does your firm do toward inducing or persuading your employees to join that association?

Mr. NAMM. The association is absolutely voluntary and there is no pressure brought to bear upon any employee to join by the firm.

Mr. THOMPSON. In the collection of dues by that association, does your firm take those out of the pay envelopes?

Mr. NAMM. Yes.

Mr. THOMPSON. Is that in accordance with the law of this State?

Mr. NAMM. I don't know.

Mr. THOMPSON. You don't know?

Mr. NAMM. I don't know that it is not in accordance. Actually, had we thought so, we would not have done it.

Mr. THOMPSON. If you were advised, Mr. Namm, that that is the law, that the law provides that that should not be done, then, you would discontinue it?

Mr. NAMM. Well, of course, we would obey the law.

Mr. THOMPSON. There is a law in this State on this subject, is there not--on the subject of a mutual-benefit association?

Mr. NAMM. There is a law in regard to mutual-benefit associations being compulsory and not compulsory.

Mr. THOMPSON. Have you ever read that law over?

Mr. NAMM. I did.

Mr. THOMPSON. Is there anything in that law which says you must not take the money out of the pay envelope?

Mr. NAMM. Not that I recall.

Mr. THOMPSON. Mr. Namm, is there a union of the employees in your establishment?

Mr. NAMM. I don't know.

Mr. THOMPSON. What attitude does your firm take toward the unionization of the people working for it?

Mr. NAMM. They have never taken any attitude either for or against unions.

Mr. THOMPSON. Then, if it was stated on the stand that an employee of your firm was discharged because he belonged to the union, then you would say that that is untrue, would you?

Mr. NAMM. That is untrue.

Mr. THOMPSON. In case an employee of your firm should seek to organize the people working for you into a union, what would be your attitude?

Mr. NAMM. I don't know what my attitude would be when a certain condition is to be met. It would all depend on the conditions at the time. I can only answer you as to facts.

Mr. THOMPSON. Well, if it is stated that your firm opposes organization and discharges people when it finds they are members of a union or believes that they are members of a union, what you would say now is that you have no such attitude; is that true?

Mr. NAMM. That is my statement.

Mr. THOMPSON. And is it a proper deduction from that to say that if a man belongs to a union and worked for you that he would be just as safe in his position as if he did not belong to a union?

Mr. NAMM. We have never made any discrimination as to union or nonunion people.

Mr. THOMPSON. Well, would that be your attitude?

Mr. NAMM. Very hard to say.

Mr. THOMPSON. If he was organizing the people of your store--

Mr. NAMM. (interrupting). As I stated before, what our attitude might be would depend upon the conditions as they existed at the time.

Mr. THOMPSON. At the present time you would rather not state what your attitude would be?

Mr. NAMM. At the present time our attitude is not for or against unions, because we do not discriminate either for or against them.

Mr. THOMPSON. There is a union--at least you have heard something of there being a union of the retail clerks, have you not?

Mr. NAMM. I have vaguely; never came in contact with it.

Mr. THOMPSON. How vaguely have you heard of this union? What has been the source of the information, and how often have you heard of it?

Mr. NAMM. The last information that I had that a union existed was when circulars were being distributed on the street. I think the matter was commented on in the daily press.

Mr. THOMPSON. Did you see one of those circulars?

Mr. NAMM. No.

Mr. THOMPSON. Well, your knowledge of that was from the comment in the press, was it?

Mr. NAMM. Yes, sir; that is all.

Mr. THOMPSON. Solely?

Mr. NAMM. Yes.

Mr. THOMPSON. Did you ever hear of there being any meetings of those seeking to organize the union in the street about your store?

Mr. NAMM. Yes.

Mr. THOMPSON. You have heard of that?

Mr. NAMM. Yes.

Mr. THOMPSON. How often did that occur, do you know, and where did you hear it from?

Mr. NAMM. I believe that one such meeting took place some months ago in the vicinity of our store.

Mr. THOMPSON. You heard about that?

Mr. NAMM. Yes.

Mr. THOMPSON. Did you see the meeting?

Mr. NAMM. I did not.

Mr. THOMPSON. You did not?

Mr. NAMM. No.

Mr. THOMPSON. Do you attend the meetings of your retail dry goods association?

Mr. NAMM. I do, very frequently.

Mr. THOMPSON. Quite often?

Mr. NAMM. Quite often.

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Mr. THOMPSON. Have these efforts that have been made to unionize the employees of the dry goods stores been taken up at any of those meetings?

Mr. NAMM. There has been no concerted action taken by the stores.

Mr. THOMPSON. I did not ask if any concerted action had been taken. Has it been discussed at all? Have any statements been made?

Mr. NAMM. Read the question.

Mr. THOMPSON. Have any statements been made at any of these meetings of the retail dry goods association which you attended in reference to this effort being made to organize into a union the employees of the dry goods stores of this city?

Mr. NAMM. In a general way the matter has been discussed.

Mr. THOMPSON. Now, there are three sources of information you have had of this effort to unionize the employees. What other source of information, or from what other places did the information come to you?

Mr. NAMM. None that I can recall.

Mr. THOMPSON. For how long a time has this information come to you that you have spoken of—six months or a year?

Mr. NAMM. Several years that an effort has been made to unionize the employees.

Mr. THOMPSON. And while this information has come to your ears from these sources, and for several years, you still have not formed any opinion as to what you would do if any of your employees sought to organize the rest of them?

Mr. NAMM. I have not had any occasion to cross that bridge as yet.

Mr. THOMPSON. In section 24 of the act, with reference to mutual-benefit associations, there occurs this language: "A corporation engaged in the business of operating a mercantile establishment shall not by deduction from salary, compensation for wages, by direct payment or otherwise, compel any employee of such mercantile establishment to contribute to a benefit or insurance fund maintained or managed for the employees of such establishment by such corporation or by any other corporation or person." In your opinion, does that language prevent you from taking money out of the pay envelope of the employee?

Mr. NAMM. Certainly not.

Mr. THOMPSON. You think not?

Mr. NAMM. Why, there is no compulsion about the money that is being taken from those employees.

Mr. THOMPSON. That is your construction of that act?

Mr. NAMM. That is my construction.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner O'CONNELL. How does your bookkeeper ascertain what employees to retain from belonging to this association?

Mr. NAMM. Each employee as they express a wish to belong to the association files an application blank and submits it in turn to the welfare secretary, who keeps books for the association—that is, the treasurer of the association does—and notifies our bookkeeper to make a deduction of the dues. This deduction is only made after an employee has voluntarily signified his intention of becoming a member.

Commissioner O'CONNELL. Well, your firm, I understand, is employing about eleven hundred people?

Mr. NAMM. Yes, sir.

Commissioner O'CONNELL. At certain periods of the year, like around the holidays, that force is largely increased?

Mr. NAMM. Oh, yes; considerably augmented.

Commissioner O'CONNELL. What method is adopted by you when your force is largely increased suddenly to get the people to work?

Mr. NAMM. To join the association.

Commissioner O'CONNELL. To get the people to come to work for you? What methods do you employ to get them to come to work in your store?

Mr. NAMM. Why, the usual methods; we advertise in the classified columns of the newspapers, for one thing. Perhaps a general supply is forthcoming at that time of the year when the knowledge is extant that the demand is greater, and we pursue the general method of advertising and causing it to be known we are in the market for more help.

Commissioner O'CONNELL. In the matter of the laying off of the force or reduction of it, is there any particular plan that you have by which you keep the most qualified and give preference to the oldest employee in your service, etc.?

Mr. NAMM. Yes; that is largely a matter of judgment of our employment office. Length of service is taken into consideration, as well as efficiency.

Mr. THOMPSON. Do you give any advance notice to an employee who, say, has been working for you for six months or a year or longer?

Mr. NAMM. In some cases we give advance notice, in other cases we do not.

Mr. THOMPSON. Do you raise any question, in the employment of people as to their religion or nationality?

Mr. NAMM. None.

Commissioner O'CONNELL. Are the questions asked in any application that they make?

Mr. NAMM. No.

Mr. THOMPSON. Do they fill out a blank form of application?

Mr. NAMM. No question as to creed or nationality is raised.

Commissioner HARRIMAN. What is the attitude in your store as to the seating of the employees?

Mr. NAMM. As to the seating of the employees?

Commissioner HARRIMAN. Yes.

Mr. NAMM. I believe that one chair is provided for every three employees as a minimum. There is absolutely no restraint against our employees being seated, and in many cases I have personally urged employees who, because of the fear of, perhaps, the personal intention of the firm, have remained standing, and I have encouraged the general tendency throughout the store to encourage the seating of employees whenever the opportunity presents itself.

Commissioner HARRIMAN. Do the employees get paid for overtime or do they get supper money when they have to stay in the evening?

Mr. NAMM. No. You see, according to the present hours of labor, we do not keep our female employees a greater length of time than 6.30 during the working-day, and in the event that they are kept past the closing hour of 6 o'clock they are compensated for that on some other day of the week.

Commissioner HARRIMAN. By letting them go earlier another day of the week?

Mr. NAMM. Either that or they are allowed to come in later.

Commissioner GARRETSON. Mr. Namm, in making application for employment in your place the superintendent of employment furnishes them a blank application that they are required to fill out?

Mr. NAMM. The superintendent or one of his assistants.

Commissioner GARRETSON. Whoever performs that duty?

Mr. NAMM. The employment office; yes.

Commissioner GARRETSON. Is that accompanied by an application for membership in the mutual benefit association?

Mr. NAMM. No.

Commissioner GARRETSON. It is not in your store?

Mr. NAMM. No; it is not in our store.

Commissioner GARRETSON. Do you know whether it is in others?

Mr. NAMM. I can not speak for other stores.

Commissioner GARRETSON. When is the matter presented to the new employee?

Mr. NAMM. The new employee generally presents it to the association, if she desires membership. The solicitation is done mostly among the employees themselves, who believe in the benefit because the premiums are so slight—in some cases only 5 cents a month.

Commissioner GARRETSON. Does the solicitation come ordinarily from people employed in the same rank of employment, or does it come from those who occupy positions of at least quasi control, if not actual control?

Mr. NAMM. Well, it might come from the welfare secretary.

Commissioner GARRETSON. Or from the head of a department or floor-walker?

Mr. NAMM. No.

Commissioner GARRETSON. Almost wholly confined to the welfare secretary?

Mr. NAMM. Yes, sir; entirely confined to the welfare worker—social secretary.

Commissioner GARRETSON. This association, I understood you to state, had many phases of activity?

Mr. NAMM. Which association?

Commissioner GARRETSON. The retail dry goods association.

Mr. NAMM. Yes.

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Commissioner GARRETSON. It enables the trade to act as a unit on these questions of common interest that come before them—is it utilized for such a purpose as that?

Mr. NAMM. There are times when a unit is established.

Commissioner GARRETSON. The policy of that association is determined by its members?

Mr. NAMM. Well, the power of the association is vested in the board of directors.

Commissioner GARRETSON. But do the board of directors stand as the machinery for the expression of the will of a majority of the members of the association?

Mr. NAMM. Well, of course they are limited by the by-laws.

Commissioner GARRETSON. Well, it is not reasonable to assume that the board of directors follows a course of action that is repugnant to the majority of the membership, is it?

Mr. NAMM. No; it is not.

Commissioner GARRETSON. Therefore it is fair to assume that the members themselves dominate the policies of the organization upon any given line?

Mr. NAMM. It is fair to assume that.

Commissioner GARRETSON. You believe your interests are served by the membership, then?

Mr. NAMM. Yes.

Commissioner GARRETSON. Is it reasonable to assume that your interests are better served by collective action than the interests of your employees might be served by collective action?

Mr. NAMM. Well, the interests of our employees might be served by collective action.

Commissioner GARRETSON. Well, I suppose that if the interests of the members of the association are best served by collective action somebody else suffers by that collective action to bring a benefit to the membership?

Mr. NAMM. Not necessarily suffers. Sometimes the improvement of conditions works for the betterment of both employer and employee.

Commissioner GARRETSON. Well, then, the same would be true in regard to collective action by the employees. They might benefit therefrom by the betterment of conditions?

Mr. NAMM. They might.

Commissioner GARRETSON. Would you assume that the employer had any more inherent right to benefit his condition by collective action than the employee had?

Mr. NAMM. Oh, none whatsoever.

Commissioner GARRETSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. That is all. Call your next witness.

TESTIMONY OF MR. BENJAMIN GITLOW.

Mr. THOMPSON. Give us your name and your address and your occupation.

Mr. GITLOW. Benjamin Gitlow, 438 Christopher Avenue, Brooklyn. I am unemployed at the present time.

Mr. THOMPSON. Are you president of the retail clerks' union?

Mr. GITLOW. Yes, sir.

Mr. THOMPSON. What is the object of that union, if you know?

Mr. GITLOW. The object of that union is to organize the department-store workers in New York City for the purpose of representing the interests of the store workers in this city and to try to better their conditions generally and to see that they get fair treatment from the stores in which they work through an increase of their wages, through a shortening of their hours, and to try to have them have some word in the running of the business in which they are working.

Mr. THOMPSON. Is your organization affiliated with the international retail clerks' union?

Mr. GITLOW. No, sir.

Mr. THOMPSON. Do you care to make any statement of the reasons why?

Mr. GITLOW. Well, the matter of affiliation with the International Retail Clerks' Union has come up very often at the different meetings of the union, but due to the large initiation fees and the large monthly dues of the international, the membership feels that they are unable, due to the low wages they receive at present in the stores, to undertake the proposition. Nevertheless,

the proposition is still before the union, and we are considering it every time, and we are trying to arrive at some agreement with the international in respect to that matter. However, we have done the next best thing, we have affiliated with the Women's Trade Union League of New York City.

Mr. THOMPSON. When was your organization first formed?

Mr. GITLOW. Well, it was first formed about a year ago. I don't know the exact date.

Mr. THOMPSON. How many members have you got?

Mr. GITLOW. Well, we do not wish to be let known our membership at the present.

Mr. THOMPSON. Are you willing to state the proportion of your membership that are women and the proportion that are men, without stating the number?

Mr. GITLOW. Well, about two-thirds are women and one-third men.

Mr. THOMPSON. They are employed, of course, in the stores around New York City?

Mr. GITLOW. They are employed in the stores in New York City and around New York.

Mr. THOMPSON. And it was stated this morning that you have not got a printed constitution and by-laws?

Mr. GITLOW. No, sir.

Mr. THOMPSON. I have a typewritten copy that was left with us.

Mr. GITLOW. Yes.

Mr. THOMPSON. Miss Svenson is your organizer?

Mr. GITLOW. Miss Svenson is the organizer of the union.

Mr. THOMPSON. And the copy of the constitution and by-laws she would leave with us would be the correct ones, would they?

Mr. GITLOW. The correct ones; yes, sir.

Mr. THOMPSON. I might say, Mr. Chairman, that a list of questions have been handed to me to ask of this witness, and I am pleased to put them to the witness if there is no objection. By whom are the officers of your organization elected?

Mr. GITLOW. They are elected by the membership at the regular meetings.

Mr. THOMPSON. How often do you have an election?

Mr. GITLOW. Every six months.

Mr. THOMPSON. When was the last election?

Mr. GITLOW. Well, the last election was held in January of this year.

Mr. THOMPSON. And where was it held, if you care to state?

Mr. GITLOW. I do not care to state where we hold our meetings.

Mr. THOMPSON. How many members of the union were present at the last election, if you care to state?

Mr. GITLOW. I do not wish to state.

Mr. THOMPSON. You are not at present employed, I take it?

Mr. GITLOW. No, sir.

Mr. THOMPSON. To your knowledge are any of the officers of the retail clerks' union employed in any department stores at the present time?

Mr. GITLOW. At the present time?

Mr. THOMPSON. Yes.

Mr. GITLOW. No. Recently some action has taken place in the stores in the city in which some of the officers have been discharged from their work.

Mr. THOMPSON. Do you receive any salary as president of the union?

Mr. GITLOW. No, sir.

Mr. THOMPSON. Are you allowed any compensation of any kind?

Mr. GITLOW. No compensation whatsoever.

Mr. THOMPSON. Do you receive any allowance for expenses?

Mr. GITLOW. No, sir.

Mr. THOMPSON. Do any of the officers of your union receive any salary or compensation; if so, how much?

Mr. GITLOW. The only one who receives a compensation from the union at the present time is our organizer, and she receives \$20 a week.

Mr. THOMPSON. Is your union an incorporated association?

Mr. GITLOW. No, sir.

Mr. THOMPSON. You have already answered about your affiliation with the American Federation of Labor.

Mr. GITLOW. Yes, sir.

Mr. THOMPSON. Do you know whether the Women's Trade Union League is affiliated with the American Federation of Labor or not?

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Mr. GITLOW. The Union League is certainly affiliated with the American Federation of Labor, and they will not accept any union whose policy differs from that of the American Federation of Labor.

Mr. THOMPSON. What is the initiation fee, and what are the dues of your union?

Mr. GITLOW. Initiation, 50, and dues, 20 cents a month.

Mr. THOMPSON. How many paying members has the retail union? You have already stated you do not want to answer that.

Mr. GITLOW. Yes, sir.

Mr. THOMPSON. What disposition is made of the money received by the union?

Mr. GITLOW. It is paid out to carry on the work of the union.

Mr. THOMPSON. By whom is the money received?

Mr. GITLOW. The money is received by the treasurer.

Mr. THOMPSON. What accounting is made for the money received, and to whom?

Mr. GITLOW. Account is made after each meeting to the union members.

Mr. THOMPSON. Is it ever printed?

Mr. GITLOW. No, sir.

Mr. THOMPSON. How much money does the union pay for rent?

Mr. GITLOW. Well, we do not care to answer that question.

Mr. THOMPSON. All right.

Do you keep books on file that the members can inspect if they wish?

Mr. GITLOW. Yes, sir.

Mr. THOMPSON. What other expenses has the union, if you care to state?

Mr. GITLOW. The regular expenses of a labor organization. Those we are paying the organizer, for incidentals, for printing the leaflets, for sending out committees to various places in cases where we have to do that; for postage and for other incidentals that may spring up, for mass meetings, when we hold them; all those expenses are paid by the union.

Mr. THOMPSON. What are the qualifications for membership in your union?

Mr. GITLOW. Must be a worker in a department store or retail establishment in New York City.

Mr. THOMPSON. Is the membership based on craft? Or does it seek to take in all the employees of a mercantile establishment?

Mr. GITLOW. Seeks to take in all the employees of a mercantile establishment, regardless of what position they hold.

Mr. THOMPSON. Is there any connection between your union and the Rand school of socialism?

Mr. GITLOW. No, sir; none whatsoever.

Mr. THOMPSON. What persons, if you care to state, are prominent, either as officers or members of your union, who are also prominent in the Rand school of socialism?

Mr. GITLOW. I would not care to answer that question.

Mr. THOMPSON. Have you seen the application blank for membership in the union?

Mr. GITLOW. Yes, sir.

Mr. THOMPSON. Did you take part in or know of the preparation of this form?

Mr. GITLOW. Yes, sir.

Mr. THOMPSON. Do you know the requirements of the State labor law as to the time to be allowed for employees for luncheon?

Mr. GITLOW. Yes, sir.

Mr. THOMPSON. What is it?

Mr. GITLOW. One hour.

Mr. THOMPSON. Does your application blank seem to pledge those who sign it to be loyal to the objects of said union and abide by its constitution and by-laws?

Mr. GITLOW. Yes, sir.

Mr. THOMPSON. Is the constitution and by-laws first submitted to the signer?

Mr. GITLOW. Well, we certainly do. We even have the constitution and by-laws present at each meeting.

Mr. THOMPSON. Are you willing to subscribe to the statement contained in said application blank, "Department store workers are the poorest paid and worst treated workers in New York City"?

Mr. GITLOW. Yes, sir; I certainly do.

Mr. THOMPSON. Do you know of any laws passed with regard to employees and department stores in this city which are not observed?

Mr. GITLOW. I certainly do. The 54-hour law is one; the law requiring the placing of seats through the stores for sales clerks to sit on; one hour for lunch is being violated. Those are the three main laws I know of that are particularly violated.

In a peculiar way last Christmas the 54-hour law—and the law in vogue then was 60 hours I think, but I am not sure—but that law was being continually violated in John Wanamaker's store in which I worked, and John Wanamaker's felt perfectly safe so long as no inspector came around to the store.

While I worked there one evening, and it was around 10 o'clock, and a rumor was spread throughout the building that an inspector of the labor department had arrived at John Wanamaker's store, and immediately there was an alarm. They had the wraps of the various girls of the mail-order department, who were working late that night, and the girls in other departments, who were working late that night, to take their wraps, and without any hesitation to leave the building, and they were pushed out of the building for fear the inspector might see them if they came in.

They were breaking the law. At the same time, in regard to the firm at that time, I stood there about two weeks before the 24th, at the entrance of John Wanamaker's store, having worked late that night, and was allowed some time for supper, and it was from 7 to a quarter after 7, and I stood outside of the entrance and counted the number of girls that left the building, and I found out they numbered almost 700, over 690, nearly 700 girls left the building at that hour, having worked over an hour overtime, and they received nothing for that.

I know that during the month of December there were girls working overtime in almost all of the departments in John Wanamaker's. I saw them there, and saw them do the work. And sometimes I would leave the building at half past 10, and I found the girls laying down on the floor, and cramped up in the book department, placing books over the shelves, and moving books from one counter to another. This was half past 10, and I don't know how late they stayed there.

In regard to the point of chairs, I wish particularly to bring this case up that happened in Bloomingdale's. I worked there for almost three years. Every time they got a hint of an inspector coming around Bloomingdale Bros. would send their porters to the storage house on Fifty-ninth Street, between Second and Third Avenues—the store is between Third Avenue and Lexington Avenue—and the porters would bring old chairs to the various departments in the stores and would scatter a great abundance of chairs all over the floor, and the sales clerks at that time would have to look out, because chairs would be all over, and they would be continually bumping into them; and after the inspectors went away the porters were put back on the job to collect the chairs and take them to the warehouses. Any girl found sitting on a chair was rebuked. The floorwalker used to continually walk up and down, and if they were to see the floorwalker they would immediately stand up and run to the other end of the department.

About the hour for lunch: I have been told by people working at the present in Siegel & Cooper's that they only have but 45 minutes for lunch; I have been told that they only have 45 minutes for lunch at Gimbel's, while the law requires them to have one hour for lunch.

Mr. THOMPSON. That is all, Mr. Chairman.

Mr. GITLOW. I would like to make a few statements in regard to department stores. I believe I ought to be given some time to make those statements, and I believe they will contradict a great deal of the testimony that has been brought up here by the department store owners and members who have appeared before your commission as witnesses. If you will grant me permission to bring it up, those little items, I will be very glad to do so.

Acting Chairman COMMONS. Proceed, Mr. Gitlow.

Mr. GITLOW. I wish, first, to refute the testimony of Hiram P. Bloomingdale who made the statement that the mutual aid society, as carried on in the Bloomingdale store, is not compulsory, and that the employees elect the officers of that society, and that they manage the moneys in that society. For three years I worked in that store. I was a member of the benefit society, and I had to sign my intentions of belonging to that society when I made out my application. But the money was not taken out of the pay envelope, but you

received a little envelope of this character, which the commission can have if it cares to see it, on which is your number and your name, and the figure 50, that meaning the money that had to go in it. That is written in pencil. This happened to be 50 cents for me. I was then receiving \$10 a week.

On a certain Tuesday—I forget whether it was the first Tuesday after the first of the month or the second, I can not recollect now on what Tuesday it was—but you were supposed to take 50 cents out of your pocket and put it in this envelope, and seal it up, and deposit it in the box on the fifth floor, where the employees' lunch room was situated. That money was taken out of the box and checked up to whosoever paid it. If you did not pay it, the following week you would receive another slip in your pay envelope, on which it said, "Bloomingdale Bros.' Employees' Mutual Aid Society," and on this—it is December, 1910, and the number in this case 480—and you will find 60 cents marked on there, or rather, I should say 60, whether it is cents or dollars you would not know, but when you looked in your pay envelope you would find that they had deducted 50 cents dues for the mutual aid society and 10 cents fine.

At the time I joined the store I knew nothing about the paying of dues, and what time it had to be paid, but, nevertheless, the 60 cents was taken out, and I want to say here that at no time did we receive any accounting of the money expended by that society; at no time did we take any part in the electing of the officers in the society, and at no time were we given any say whatever in a meeting, or otherwise, in the doings of the aid society. It was purely compulsory.

Now, Bloomingdale's does give an annual slip, which they contend is the report of the Bloomingdale Bros.' Mutual Aid Society. I belonged to the society for three years and a half, and over—a little over—and every year I received the same identical slip which, if the association would care to have, you might have it.

(The two envelopes and the printed report here produced by the witness were marked "Exhibit 1, Witness Gittow," "Exhibit 2, Witness Gittow," and "Exhibit 3, Witness Gittow," and each dated June 11, 1914.)

It tells of the work carried on by the society, and you find out that the funds of the employees pay for the turkeys which not each and every employee gets. You have got to be either a widow or a married man in order to get a turkey. You have got to apply for it and ask for it, and say that you need it. It is given out just as a charity is handed out. And when that is handed out or a few are given away—a few turkeys—a notice is put in the newspaper that Bloomingdale Bros. give each and every employee a turkey. I never got a turkey in the three and a half years I was there. And the turkeys are paid for out of the money of the employees. That is no philanthropic or charitable work.

It states about vacation funds, and everything—

Commissioner O'CONNELL (interrupting). Is the amount paid for turkeys in that report?

Mr. GITLOW. No; there are no money amounts given whatsoever; just the items that are given as good news to the employees.

Commissioner O'CONNELL. How do you know that the money came out of that fund for the turkeys?

Mr. GITLOW. Because it is stated right in here.

Commissioner O'CONNELL. What does it say? Read it there.

Mr. GITLOW. You see, here it gives a statement [reading]:

"This society was organized in 1881 and is now nearing its thirtieth anniversary. The officers who have been managing the society for many years have every reason to be proud of their efforts. The source of income is from dues collected from membership, the Fannie Myers fund, the Lyman G. Bloomingdale fund, and the Joseph B. Bloomingdale fund, which are part of the Bloomingdale Mutual Aid Society; also all funds imposed during the year are turned into the treasury of the society. After one month all employees become members of this society, which continues during the period of their employment.

"The membership is divided into three grades. The dues are 10 cents, 30 cents, and 50 cents monthly, which entitles the members to a benefit equal to their weekly salary, up to \$6, and also to a death benefit of \$30, \$40, and \$50, according to grade.

"These funds also furnish the means of assisting the families of members who are not entitled to relief from the funds of the mutual aid society. Should a member at any time be urgently in need of aid apply to any officer for relief, the same can be granted."

And then it goes further as to vacation funds, and the turkeys, and other things.

Commissioner O'CONNELL. What does it say about turkeys?

Mr. GITLOW. Oh, no; not in here, it does not mention about the turkeys. It mentions here about the annual outing given to the junior members of the society on Decoration Day; this is about the Decoration Day outing that is given, and states that they distributed 1,000 fresh quarts of milk, 5,000 sandwiches, 4 barrels of sweet crackers, 450 quarts of ice cream, 1,000 bean bags, 750 balls, and 300 jumping ropes, and it is signed by Joseph H. Meyers, president, and Jennie Bellman, secretary.

Commissioner O'CONNELL. That fund all came out of that fund that you are talking about?

Mr. GITLOW. Yes; out of that fund.

Commissioner GARRETSON. How do you know that?

Mr. GITLOW. This is given as the report of the mutual aid society.

Commissioner GARRETSON. Now, there are several endowments in that society.

Mr. GITLOW. Yes, sir; according to the statements on there, several endowments; yes, sir.

Commissioner GARRETSON. Do you know anything about these endowments—what they provide?

Mr. GITLOW. No, sir.

Commissioner GARRETSON. You have not heard?

Mr. GITLOW. No, sir; I had some information on that, but I lost it, and I don't quite remember it now.

Mr. THOMPSON. Just one question at that point: Do you know whether the funds coming each year from these endowments more than equal the money expended for the catables mentioned?

Mr. GITLOW. Well, I could not tell you, because no report was made of that, and no report of the funds collected from the employees from fines collected. Bloomingdale Bros have a big system of fines which are collected in their store, and according to this all the fines are turned in to this mutual benefit society.

Mr. THOMPSON. Did you ever attend a meeting of the benefit society?

Mr. GITLOW. No, sir; not a meeting has been announced to us; never knew of any.

Mr. THOMPSON. Ever have any claims presented or receive any money for benefits?

Mr. GITLOW. No, sir; I never had any occasion to make any claims on the mutual aid society.

Mr. THOMPSON. Do you know any employee who did have?

Mr. GITLOW. Oh, certainly; I know of some who did.

Mr. THOMPSON. Did they get it?

Mr. GITLOW. They had to make a request for it. If they were sick for one week they would receive no claims, but if they were sick for over a week, why, they would have to make a request.

Mr. THOMPSON. Who passed upon the claim or request?

Mr. GITLOW. I know nothing about who passed upon it, but I know when you had to make any other request it was to the manager, Mr. Schwab, and I believe you had to take it up with him; but how it was done, I know nothing about that.

Now I want to state with reference to the overtime work and Sunday work. Hiram C. Bloomingdale was on the stand and claimed there was very little overtime work in the store of Bloomingdale Bros. and no Sunday work that he knew of.

I worked there three years and a half, and I will say definitely that I worked at least 10 Sundays each year, and that 15, 20, or 30 minutes overtime almost every night was not exceptional in my department. Some departments went home on time. But if a customer remained on the floor after the bell rang, and the store was supposed to be closed, you had to remain with that customer and sell her whatever she wanted, if it took an hour of your time. You had to spend that one hour doing it, and you received no compensation for that. And if you worked overtime you received no money whatever.

At the time I worked there—I understand that has been changed—you were given a supper that was left over in the customers' restaurant, and whatever was dished out to us we had to take. We did not have any freedom in ordering what we liked. If they had such and such things left in the restaurant we had to eat it, whether we liked it or not. No supper money was paid and no pay for overtime.

The first two years I worked there, when I worked on Sundays, we were not paid one cent for that; but the following year they paid us a day's work when we worked on Sunday. That I will have to say. But I want to bring out particularly this evening something that has not been touched on by any witness on the stand.

I want to touch on the spy system which is carried on in these department stores in New York City. The spy system is one of the greatest evils confronting the employees at the present time. It is a well-known fact that a good many people who have been discharged from the stores as being dishonest were not dishonest through their acts, or they were made dishonest, or brought into conditions which later would seem dishonest through the work of the spy system. I remember a lady spy saying to a clerk, making the remark that she had to get busy one day because she had booked nothing dishonest, or crooks, as she called them, and that she would have to get busy, because it was just as essential to her to have a good book to show just the same as the clerks on the floor had to get busy and show a good amount in sales.

I can give you one example that happened in the Bloomingdale Bros. store, where I worked. There was a little girl worked there in packing in the lamp department of Bloomingdale Bros., and she received \$3.50 a week, and one of the girls in the glassware department, which adjoins the lamp department, sent this little packer down to the grocery department to buy a box of Uneeda biscuits, and she went down to get the box of Uneeda biscuits, and while she was proceeding to go upstairs to deliver the box of Uneeda biscuits to the girl that had asked her to get them two young men ran up to her and fooled around with her, and took the bag containing the box of Uneeda biscuits out of her arm and put in a box of Nabiscoes and closed it up and gave her the bag and sent her upstairs. And she went upstairs and delivered the bag and returned to her work.

A little later she was called down to the office and discharged as being dishonest. They claimed she had no right to pay 5 cents when she got a 10-cent box, whereas the actual dishonest thing was done by the two men in the employ of that store—detectives—who cooked up the scheme to get a piece of detective business.

Another scheme worked in Bloomingdale Bros. by the detective department through spotters is that they have what are known as store shoppers that go around and buy various articles in the store and try to detect in that way whether the person is dishonest or not. When a man obtains a position or a woman obtains a position in Bloomingdale Bros.—I found it worked out invariably in this way—a spotter would come up to him the first day he got his job, and if he was a green man he would not suspect anything, and they would buy an article, say, for 50 cents and hand you a \$10 bill, and you would have the article wrapped up in a rush and deliver the article and would be standing by the tube waiting for the change to come up, and the shopper would take this parcel and immediately go to some other part of the store and would leave \$9.50 in change with the sales clerk.

This happened to me the first day I worked there, and I took the \$9.50, and I was very much in need of money, and this is the way I reasoned on that: I said if the customer returns and asks me for the money, why, I will return it to her, and if she doesn't, why, I will keep the money; but it did not look straight to me, and I went and asked one of the old help on the floor, and she says, "By all means, return that money to the floorwalker; that change has been left by a spotter, by a shopper, and if you keep that change you will be blackballed and dismissed for being dishonest."

And I know of one case where a young man did it—kept the change, and was dismissed as being dishonest.

Commissioner O'CONNELL. What did you do with that money?

Mr. GITLOW. I turned it over to the floorwalker, and that is all I heard about it, and I didn't care to hear anything else about it.

Another thing is that the shoppers will come up with a big rush to one of the girls there—these shoppers don't particularly care whether the girls are honest or not—but they are out for business just the same as a saleswoman, and if they don't get dishonest persons they will be discharged. And so during the rush they will come up to some little girls, and these little messengers—perhaps at the ribbon counter, and the girl might be very busy—and they will start to fussing around and complaining, and say they want to be waited on right away, and make all kinds of remarks and start to complaining about the girl and get her all mixed up in order that the girl may make a mistake and forget to return

the change, or something to that effect, and which would create a dishonest impression, and that girl would be discharged.

I want to say, also, in regard to stock-taking times in the department stores. If there is any time in the year in which the clerks work hard and work overtime, and work in unhealthful conditions, it is during the period of stock taking. In the crockery department, in the glass department in the crockery storerooms, especially, the conditions there are abominable. You actually eat dirt—the dirt that is collected for a year. You are supposed to dust out with a dry big duster, and get right down on the floor, and get into the bins and dust everything all over and to count the dishes, and to work from 8 o'clock in the morning until 11 o'clock at night every day in the week taking stock in the crockery department. Then, after you are through with that department on the floor, you are called up into the stock room upstairs.

Now, I want to say that Bloomingdale Bros. stated that the minimum wage paid to junior help was \$4. Well, from my experience, I can state differently. I have always asked the question as to wages received by the little girls, the packers who attended to the packing in Bloomingdale Bros., and they told me \$3; and when they asked for a raise they got 50 cents raise, and got \$3.50. Before Christmas, when they are required to work, to help overtime, these little girls are discharged and young men over 18 are put in their places, and the wages are \$8, because they can not work the little girls overtime on account of the law; but the wages paid them are \$3.50—\$3 and sometimes \$4; and they employ the boy packers, and the boy packers get \$1 a week. I found that out through asking questions of each and every one of them.

Now, some people—there has been raised the question of the efficiency of department-store workers by Mr. Jacob Gimbel on this witness stand. I want to clear up that point.

Department-store workers are very efficient. The work required of a department-store worker, especially the sales people, is very skilled work. You have got to be attractive, and have got to know how to address a customer, and got to know how to make out dozens of different kinds of sales slips, and got to know how to handle a complaint when it comes to you; and you've got to know how to hold an unruly customer; and by all means have got to know how to sell a customer goods that the customer doesn't want, because you are not expected to let any customer go out of the department without selling her anything. If you do there is almost always a kick coming from the buyer or floorwalker.

And during the rush season you have got to attend to three or four customers at a time in order to get through with the rush, and you have got to be making out checks and be making change and handling the change, and talking to customers, and doing that work all the time throughout the day.

It is very skilled and efficient work which is being done by the sales forces in department stores, and they have got plenty of good and efficient employees, although the various department stores want to give out the impression that the work is not good work, and not skilled work, but that it is inefficient work that they get out of the workers, and that they do not get the results out of them that they should be getting, and that therefore they want to create an impression that the low wages paid them are just the wages that they are entitled to, and that if they were more efficient, and if the board of education could do anything to make these workers more efficient, then perhaps they would be entitled to larger wages.

But the worker in a department store to-day is efficient, and workers outside with the same kind of efficiency would not work for the same kind of a wage. And these workers have to work in a rush, and I know that in case of trouble this must be said that the customer has the word all the time. If it comes to any matter of a dispute between the customer and a sales person, the sales clerk's opinion is never taken. If it is taken, it is disregarded, and if the customer strongly impresses upon the firm that sales clerk is discourteous, why, the sales clerk is discharged, and I have known of cases of that kind that happened in Bloomingdale Bros.

You know Hiram C. Bloomingdale stated on the stand that if any clerk had any grievance against the firm that they could come to the Bloomingdale members and present their grievances. Nevertheless, when Hiram C. Bloomingdale or Samuel J. Bloomingdale wanted to buy anything in the crockery department or the lamp department, whenever they stepped into that department, all of the clerks used to run behind the bins or behind the posts in order to get out of the

way, because they knew that to come in contact with those two men, Samuel J. Bloomingdale or Hiram C. Bloomingdale, meant a whole lot of personal questions and abuse for them. A girl chewing gum was continually being called down by Hiram C. Bloomingdale, and he would call her down in a very loud and haughty voice, as if he found some great crime against her; and to consider that a girl employee would come up to this man with a personal grievance is something ridiculous.

Now, the employees have no say and the customer has all the say. Any complaints the employees make are disregarded in every respect whatsoever. The floorwalkers and buyers are continually nagging and chasing employees all over the floor; and if business is bad, it is not blamed to the management of the business institution, but invariably blamed on the clerks. When business is bad the clerks are gotten together and they are scolded and they are lectured to, and all that, and told that the business is bad not because the firm does not carry on the business, but it is due to the fact that the clerks don't pay enough attention to the business of the firm. And during the slack season, why, the clerks are continually hounded about their books, and lectured by the buyers, and asked why they don't have more business. Why, they can't be expected to do a business unless the customers come into the door.

Now, in regard to immorality in department stores—but I want to say that I worked at one time with Greenhut-Siegel-Cooper Co. in their lamp department, and I worked down in the basement, and I know we were inclosed with these wooden partitions, and ventilation was bad, and we had to work by artificial lights all the time, and the place is full of dust. I worked there and received a salary as stock man in the lamp department of \$11, and next to me was the receiving room of the lamp and glassware department, and there were 10 men working there, and some of the men said they received \$10 a week, and a few of the men working there received \$10.50 a week and some \$9 a week, and they received no pay for holidays. Nevertheless, in the busy season they worked for a month or two and then were laid off; but they never got any pay for any holidays, it it happened.

I found out one thing in Greenhut-Siegel-Cooper's store, and that was that the night before Labor Day they laid off a good deal of their help, and I found out that the day before Labor Day they laid off something like 500 people last year, in 1913, in Greenhut-Siegel-Cooper's store, and I wondered, I say, what they were laid off for; and I went to the clerks and asked why it was, and they said, "Oh, that is nothing; they lay them off because it is a holiday, and after the holiday they will rehire them," and sure enough, on Tuesday, I went back there and I found they had the place jammed with applicants for the positions for which they had discharged the help, and I found out the reason was, in order to get vacation money in Greenhut-Siegel-Cooper's you have got to work for the firm one year, and they get their vacations in July and August. So here you go to work in September, so when July or August comes the next year you have not worked a year, and consequently are not entitled to a vacation, and in that way they save enough, I suppose, to pay for some of the vacations that may happen next year, when that comes around.

Now, in Wanamaker's, in regard to the wages of the men—I have not made any study of the wages of the women—but in Wanamaker's store, in what they call the stock-room part of it, during the Christmas holidays some were getting \$10, one was getting \$9 in that stock room, and the rest were getting \$12 a week. We worked in the month of November, and in November I was told they worked three nights in the week up until past 10 o'clock; and the first two weeks of December they worked three nights in the week up till half past 10; but for the two weeks prior to Christmas we worked every day in the week and were supposed to work until we were told to go home. Some of the men would go home at 11 o'clock or 12 o'clock; but I would make it my point to go home at 10 o'clock, and I took a crowd with me, so I was not in that category, and there were men working there from 8 o'clock in the morning until 3 o'clock of the morning of the next day before Christmas.

In the coat room, where they have the greatest amount of work, they work from 8 o'clock in the morning until 3 o'clock a. m. the next day to get out the coats, and they had men working until 12 o'clock all over the stock room; and wages there were \$10 and \$12, in Wanamaker's, ordinarily. Some salesmen received more.

However, we got paid overtime—we were paid for overtime work we did for those two months, \$10.

Now, there was a question brought up, and I wish to bring this up about, there were two witnesses on the stand about dishonesty among employees in department stores. I can make this statement, that there is a great deal of dishonesty going on among the employees in the department stores, particularly among those men who are married and have to support families. I know of cases of men who receive \$12 a week and who have to support a family—a wife and three children on \$12 a week salary—and they can not do it, and the only way they make up the difference is by dishonesty. If that man was given a living wage, and the man thoroughly responsible, a good citizen, if he were given a good living wage for the work he does he would not have to resort to dishonesty.

Then, another thing is the spy system, having stool pigeons, and say to the girls, "I will give you something from my stock if you will give me something from your department," and by coaxing her into it she is caught, and before the girl knows what she is doing she is brought up and discharged. That is one of the methods of a stool pigeon. The men work for employers in the department stores.

The question of morality was brought up by the investigator of the Clive Federation, and she said that had nothing to do with the low wages. That that statement was only made by dreamers about the wages and the morality of girls in the department stores. I want to talk from experience. In the first place, a good many girls in the department stores have got to give in to the demands in that respect of certain members, buyers, managers, and floorwalkers who take advantage of girls working under them and need the jobs very badly. For example, there was a certain man who was superintendent in Greenhut's building, in Greenhut-Siegel & Cooper, by the name of Harris, and he had seduced a girl in that store and was discharged for that act. Nevertheless, regardless of that, the firm of John Wanamaker & Co. hired the same man, Harris, and gave him a job in the manager's office. The same thing occurred in Wanamaker's office, only the girl seduced was 14 years of age, and he was discharged, and nothing else was done about it.

We know of cases of girls who have got to submit to buyers if they want to hold their positions.

I was told by one girl who worked at the head of stock in the Fourteenth Street Store, which has now been declared bankrupt, and she was head stocker, and she said she was getting \$12 a week, and she told me that the buyer of the china department had continually made inroads upon her, but she every time rebuked him, but she said she had to board on the \$12 a week, and it was barely enough to get her the necessities of life. We have to dress decently in department stores; you have got to have a good appearance; and you have got to pay for your clothes and for your laundry when you do not live with your parents, and \$12 a week is not a big sum for a lady 23 years old. She says, "Being all alone in the city and having no money whatsoever for pleasure," she had found that she was forced to sell herself in order to get a little companionship and a little pleasure in this city of ours.

Those facts ought to be brought out.

A case in John Wanamaker's. I talked to a girl in John Wanamaker's store just before we were dismissed on Christmas. A big crowd of men stood in the department store. There were about 20 of us in the stock room on the twelfth floor——

Commissioner O'CONNELL. Those cases that you are speaking of can all be verified—the names and places?

Mr. GITLOW. I never took names. I never thought I was going to be an investigator or to be called upon here to testify.

Commissioner O'CONNELL. You mentioned some names a moment ago.

Mr. GITLOW. Yes, sir. That name can be verified, that fact about Harris.

Commissioner O'CONNELL. Those cases that you speak of?

Mr. GITLOW. Yes, sir.

Commissioner O'CONNELL. You say you talked to some lady, that some lady told you about those things?

Mr. GITLOW. Yes, sir.

Commissioner O'CONNELL. Those can be verified?

Mr. GITLOW. Yes, sir. I do not see them afterwards, after I talk with them. There are so many of them in the stores.

The girl who was getting \$4 a week was marking off the cards as goods came in. They have to mark the selling price and the cost price so the sales clerk

downstairs will know what to sell for, and she was standing there in very poor circumstances and didn't know what to do. She didn't know where she was going to get a position, because the market was going to be flooded with young girls like her looking for positions, as there would not be enough positions to go around, and she said if she were not afraid she would go on the streets and make a living. This girl was 15 or 16 years of age. This thing occurred in numerous cases.

This matter of child labor ought to be brought forcibly to this committee. The department stores employ a good many young girls of 15 and 16 years of age, and a good many young boys 15 and 16 years of age, who are snatched out of the public schools and who have no education, and who have no responsibility in life, whose methods of life have not yet been shaped, and who are forced through the family by economic stress in order to help the family get along or pay their own expenses. Those girls get thrown into an atmosphere in department stores that is not good. I have seen cases where girls have been thrown in an atmosphere of a bunch of stock men, one small girl of 15 has been put upstairs to mark goods. In that room there was about 10 stock men, all burly fellows who were not a bit particular about what they said or did, and there was nobody to be there, and sometimes this girl was left actually alone in a big stock room there; it took up much space, and I have known of a case where girls have been seduced in cases in the storeroom. Also the atmosphere around there is not the best for morals. I can state as being a worker in the department stores. The atmosphere is shiftless, and you can not expect anything better from the conditions as they exist there to-day.

If there is any particular question that you would like to ask me, I shall be glad to answer. I don't know as I have covered everything, there is so much to say on this question, but I will be pleased to answer any questions.

Acting Chairman Commons. Are there any questions?

(No response.)

Acting Chairman Commons. That is all, thank you, Mr. Gitlow.

Mr. Gitlow. Do you care to have any of these slips?

Mr. Thompson. Yes; you might leave those with the reporter.

(The slips were marked "Gitlow Exhibits 4 to 8," inclusive.

The exhibits referred to were submitted in printed form.)

TESTIMONY OF MR. LESLIE GRAFF.

Mr. Thompson. Mr. Graff, will you please give your name?

Mr. Graff. Leslie Graff.

Mr. Thompson. And your address?

Mr. Graff. My residence is 348 Central Park West.

Mr. Thompson. Your business?

Mr. Graff. I am associated with B. Altman & Co.

Mr. Thompson. What?

Mr. Graff. I am associated with B. Altman & Co.

Mr. Thompson. What position do you hold with the firm?

Mr. Graff. I am there in a general executive capacity.

Mr. Thompson. How long have you been with the firm?

Mr. Graff. Since the first of the year.

Mr. Thompson. Where were you employed before that time, or what was your business before that?

Mr. Graff. Prior to that I was secretary of the retail dry goods association.

Mr. Thompson. How long did you hold that position?

Mr. Graff. For approximately eight years.

Mr. Thompson. For approximately eight years?

Mr. Graff. Yes, sir.

Mr. Thompson. How many employees has the firm of B. Altman & Co. in that store?

Mr. Graff. Three thousand five hundred.

Mr. Thompson. How many saleswomen over 16?

Mr. Graff. We have about 200 employees under 16. I haven't got the number of males over 16. That was not one of the questions as I received them. I can get that for you if you wish it.

Mr. Thompson. You say that was not one of the question you received?

Mr. Graff. Number of males over 16?

Mr. Thompson. Yes.

Mr. GRAFF. I think not. I have got the largest group of employees, sales people, and the number of male and female, and the clerical forces.

Mr. THOMPSON. Well, divide it that way as you have it there.

Mr. GRAFF. I want to correct the 200 figure to 175—number under 16.

The largest number of employees is sales people, of which there are 250 male and 750 female.

Mr. THOMPSON. Is that simply the sales department?

Mr. GRAFF. Sales people.

Mr. THOMPSON. Over 16?

Mr. GRAFF. Over 16. We have no one selling under 16.

Mr. THOMPSON. You might give us the other figures you have there in accordance with the question, in the order you have them, regarding the number of help?

Mr. GRAFF. And salaries, etc.?

Mr. THOMPSON. Yes; you might follow your questions right down.

Mr. GRAFF. Saleswomen receiving \$9 or more weekly, 704.

Number of saleswomen counting commissions, earning less than \$9, none.

Less than \$8, none.

Are there any saleswomen over 18, of three years' experience as salesladies, till earning less than \$9, counting commissions? The answer is none.

Less than \$8, none.

Counting commissions, how many saleswomen earn more than \$9? All.

The average wage for sales people is \$15.29.

And the average wage for the clerical force is \$10.65.

Taking the clerical force, how many women over 18 earn \$9 or more? The answer is 155.

We keep no absolute record of age above 16. That is an estimate, because those in our employ between 16 and 18 are children holding minor positions.

How many women over 18 earn \$8 or more? The answer is 31.

Seven dollars, 39.

And none receive less than \$7.

How many salesmen earn \$14 and over? Two hundred and forty-two out of total of two hundred and fifty.

In the clerk force, how many men earn \$14 and over? Two hundred and twenty-five.

What department has the largest number of boys under 18? Messengers.

What department has the largest number of girls under 18? Messengers.

How many wagon boys employed in your store? Eighty-five or ninety.

What proportion of wagon boys receive less than \$8? None.

How many women are cashiers and tube girls? The answer is none, but I want to qualify that. We have no cashiers in the true sense of the word, neither have we any girls as tube girls. In our tube room we employ men, and we have some cash registers where junior help are employed to attend to them, but they should not be called cashiers, because they do not assume the responsibility of a cashier. In other words, if there are any shortages in their cash, no deduction is made from their salaries. But taking the list of 43, there are 11 getting \$6.50; there are 24 getting \$7; there are 11 getting \$8; and there are 7 getting \$9.

They say further here in preparing these figures for me that approximately 1 of those just mentioned are under 18.

Is there a minimum wage for women in your store? No.

Minimum for girls under 16, \$4.

How many receive it? Thirty-three.

Does your store dock for tardiness? The answer is no.

Does your store pay for overtime? It pays overtime the proportionate rate for work room employees, but for other male employees who work overtime we allow 50 cents for support money, and at the same time give them time off subsequent to the time they are required to work to make up for the extra work demanded of them.

We do not work any women overtime. One reason, among others, is that the law does not permit it, although we have, I might add, no desire so to do. But we wanted to live up to the 54-hour-a-week law, or the 9-hour-a-day law, I do not see how it would be possible for us to employ women overtime; but we are living up to that law.

Will your women employees ever keep at work after 6.30? Yes, sir; in cases where they report for work regularly at 11 a. m. I might state there

that we have women employed in one department. They address packages. They report at 11.30; not 11. And they work until they have finished all packages that are bought and wrapped prior to 6 o'clock for delivery the following morning, and they get out anywhere from 8 to 10 o'clock, but never after 10.

What is the latest hour they are required to stay? Ten p. m.

Does your firm live up to the 10-hour-a-day, 54-hour-a-week law? Yes, sir.

Mr. THOMPSON. Does your firm give vacations to the employees?

Mr. GRAFF. Our firm gives the employees who have been with us from one to three years, one week vacation, with pay in advance; and those who have been with us three or more years, two weeks, pay in advance. But, like many other of our policies that is not an ironclad rule. There are many exceptions made in the interest of the employees. For instance, one case came to my attention only the other day of a young man whom I employed since the 1st of January, and in discussing the question of vacation with our president, Mr. Fedgman, he suggested that we give that man two weeks' vacation with pay, even though he has been with us such a short time. And many exceptions of that character are made from time to time.

Mr. THOMPSON. Now, Mr. Graff, does your firm, so far as you know its condition, find it possible to carry on business in this city, paying the wages you do and getting the hours you do?

Mr. GRAFF. We do; but it is questionable whether that is a fair standard to take for other stores. We do not want to testify here and then have the commission feel that that is a standard that others could properly follow. The conditions are different. We feel we are different.

Mr. THOMPSON. Where does the ownership of your store rest?

Mr. GRAFF. With the employees, and exclusively with the employees.

Mr. THOMPSON. That is under the will of B. Altman?

Mr. GRAFF. Under the will of B. Altman, and with the foundation which we are now working on, which will be maintained very largely for the benefit of the employees. But the whole management of the store rests with the employees. We have a board of directors consisting of 10 employees, men who worked up from the ranks. One director was a wagon boy. Others held minor clerical positions. To-day there are men employed in the regular work throughout the store, either as buyers or department heads, and we feel for that reason we have a store of employees maintained for employees.

Mr. THOMPSON. The ownership of the property of the store, however, is not vested in the board of directors, is it? It is vested in a board of trustees?

Mr. GRAFF. The majority ownership of stock of the corporation rests with the foundation. And that is managed by a board of trustees; but under the will, as expressed by Mr. Altman, the purpose of the foundation shall be the interest and benefit of the employees. That is still in the process of organization, and no definite plans have been decided upon as yet.

Mr. THOMPSON. Then, at the present time, do you know whether, in working out of your proposition, those trustees under the will have real control of the property as a matter of fact?

Mr. GRAFF. The actual management of the business is very different from the management of the foundation. The business is run entirely separately and distinctly from the foundation, and the business is managed by the board of 10 directors, who are employees. Now, the disposition of the profits—

Mr. THOMPSON. Just a moment on that line. Who elects this board of directors? Who has the voting power, and how is the power expressed?

Mr. GRAFF. That I am not clear on. I will furnish that information—give that information to the commission.

(See Graff exhibit.)

Mr. THOMPSON. Do you know whether that is a stock-voting power or simply an employment-voting power?

Mr. GRAFF. No; they are stock owners. Each member of the board of directors is a stock owner.

Mr. THOMPSON. Does every saleswoman and every salesman in the store, every buyer, every member of the shipping department, throughout the entire establishment have a right to vote equally with any other man for the membership of the board of directors. Do you know that?

Mr. GRAFF. That I don't know, but I am inclined to think that is not the case.

Mr. THOMPSON. You are inclined to think that is not the case?

Mr. GRAFF. Yes, sir.

Mr. THOMPSON. It is a stock-voting power?

Mr. GRAFF. Yes, sir.

Mr. THOMPSON. In which the majority of the stock, of course, rests in the foundation?

Mr. GRAFF. The majority of the stock rests with the foundation, but one trustee of the foundation is represented upon our board of directors.

Mr. THOMPSON. Do you want to adjourn now, Mr. Commissioner?

Acting Chairman COMMONS. Are there any other questions that you want to ask now?

Mr. THOMPSON. Yes. I want to ask more particularly about the dry goods association.

Acting Chairman COMMONS. We will adjourn until to-morrow morning at 10 o'clock in the mayor's reception room.

(Whereupon, at 4:35 o'clock p. m., on June 11, 1914, an adjournment was taken until Friday, June 12, 1914, at 10 a. m.)

NEW YORK CITY, June 12, 1914—10 a. m.

Present: Commissioners Common, Delano, O'Connell, Lennon, Garretson; also William O. Thompson, counsel for the commissioners. (Commissioner Commons in the chair.)

Acting Chairman COMMONS. You may proceed, Mr. Thompson. I believe Mr. Graff was on the stand when we adjourned.

TESTIMONY OF MR. LESLIE GRAFF—Continued.

Mr. THOMPSON. Mr. Graff, last night when we adjourned we were speaking about the retail dry goods association, of which you said you are secretary, as far as I remember, or were for a period of eight years?

Mr. GRAFF. Correct.

Mr. THOMPSON. Up to two months ago?

Mr. GRAFF. Yes, sir.

Mr. THOMPSON. I think we have with us a list of the membership of that association, but if you have another there, printed list, I would be pleased to have it.

Mr. GRAFF. There is no printed list, to my knowledge, but if you will show me the list I will be glad to make such corrections, if any, as I may see.

Mr. THOMPSON. Would you be willing to state now the membership, how many there are and who they are?

Mr. GRAFF. There are about 18 firms, as I recall it. I will try to name them all. H. C. F. Koch & Co.; Bloomingdale Bros.; Lord & Taylor; B. Altman & Co.; James McCreery & Co.; R. H. Macy & Co.; Saks & Co.; Gumbel Bros.; O'Neill-Adams Co.; Rothenberg & Co.; Abraham & Straus, in Brooklyn; Frederick Loeser & Co.; A. I. Namm & Son. Simpson-Crawford Co. and the Fourteenth Street Store were members prior to the failure, and I don't know what has been done in regard to the reorganized firm.

Mr. THOMPSON. Are Sterns members?

Mr. GRAFF. Stern Bros. are members.

Mr. THOMPSON. As near as you remember, that is the list of the membership?

Mr. GRAFF. That is the list of the membership, as far as I remember.

Mr. THOMPSON. When was that association organized, if you know?

Mr. GRAFF. It is a matter of 15 or 16 years ago.

Mr. THOMPSON. At that time were you connected with the—

Mr. GRAFF. I was not.

Mr. THOMPSON. Do you know now what the objects and purposes of the association were at the time it was organized?

Mr. GRAFF. I do.

Mr. THOMPSON. Is there a printed statement of the purposes which were formulated at that time?

Mr. GRAFF. There is.

Mr. THOMPSON. Have you got that in your hand?

Mr. GRAFF. I have.

Mr. THOMPSON. Will you have any objection to furnishing the commission with it?

Mr. GRAFF. None whatever. Shall I read it?

Mr. THOMPSON. Yes; you might do that.

Mr. GRAFF. One paragraph:

"The object for which such association is formed is for the purpose of fostering trade and commerce, to protect it from unjust or unlawful exactions, to reform abuses in trade and diffuse correct and reliable information among its members as to standing of purchasers and others, to take part in civic affairs so far as they are of interest to the members of this association, and encourage a more enlarged and friendly intercourse between merchants engaged in the retail dry goods and kindred trades."

Mr. THOMPSON. I would like to have that a moment, if you please.

Mr. GRAFF. Certainly [handing a paper to Mr. Thompson].

Mr. THOMPSON. Are these still the objects and aims of the association?

Mr. GRAFF. They are.

Mr. THOMPSON. Are there any other objects and aims which the association has as a matter of custom or common law of the body that are not expressed in this statement?

Mr. GRAFF. Well, they might all come under this general classification. If you wish details, I will be very glad to give them to you.

Mr. THOMPSON. In reference to this clause, "to protect it from unjust or unlawful exactions." What might come and what, so far as your association has existed, has come under that designation?

Mr. GRAFF. Why, I do not recall anything at the moment that might properly be classed as under that caption.

Mr. THOMPSON. Might it not be that the relations between the members of your association and their employees might come under such a caption?

Mr. GRAFF. That would. And something else that I just recall is the question of the people attempting to perpetrate frauds. It has been a custom if a person is passing worthless checks or attempting defrauding one member that notice of that is immediately sent to the association and the other members are notified and thus protected.

Mr. THOMPSON. The question of the employment of the people in these stores—by the way, parenthetically, about how many employees do those stores have, if you know?

Mr. GRAFF. I should say in the neighborhood of 75,000.

Mr. THOMPSON. Seventy-five thousand?

Mr. GRAFF. Yes, sir.

Mr. THOMPSON. The question of the relations between the employees and the employers is a very vital proposition, is it not?

Mr. GRAFF. Yes, sir.

Mr. THOMPSON. In this city?

Mr. GRAFF. Yes, sir; it is.

Mr. THOMPSON. There has been a good deal of legislation dealing with that problem in this State?

Mr. GRAFF. There has.

Mr. THOMPSON. And naturally, therefore, an association of the proprietors of the stores would have in view as one of the definite thoughts this relationship between the proprietors and employees, would it not?

Mr. GRAFF. It has.

Mr. THOMPSON. What other clause of this statement of the objects and purposes of your association would cover that relationship, other than the clause I have quoted? You may take it and look it over if you like.

Mr. GRAFF. That would seem to be about the only clause that might relate to that subject.

Mr. THOMPSON. Now, coming to the proposition of civic duty, to take part in civic affairs, so far as they are of interest to the members of this association, that apparently sets a line of demarcation between the interest which the members personally might have in civic affairs and the interest they might have as owners and proprietors or operators of department stores?

Mr. GRAFF. Quite right.

Mr. THOMPSON. Now, leave out of the question the interest that they might have as citizens in civic affairs; what would be the interest that the proprietors of these stores, the members of your association, would have in civic affairs as such proprietors or members of the association?

Mr. GRAFF. By way of illustration, I might state the activities of our association in relation to subway extensions. We took a very active part in the hearings before the public-service commission. We appeared there, as we felt, representing our constituents, people who individually had no voice but who,

through our association, could express their wishes, so far as the subway extensions are concerned.

Another matter of civic betterment which we took up was that of the installation of a high-pressure water system throughout the retail dry goods district. We were largely instrumental in having that installed in the district in which there large department stores were then located. The question of parcels post is another item which received considerable attention at our hands. We appeared before the congressional committees at Washington; we gave testimony and gave facts, and we felt at the time that we were somewhat instrumental in having the parcels post system installed. Those are three matters that come to my mind at the moment.

Mr. THOMPSON. Late the legislature of this State passed a law with reference to the mutual benefit associations, did it not?

Mr. GRAFF. It did.

Mr. THOMPSON. Touching some phases of those associations with reference to the mercantile establishments of this city?

Mr. GRAFF. Correct.

Mr. THOMPSON. Did your association, or not, take any interest in that law?

Mr. GRAFF. I was not secretary of the association at the time of the session of the legislature, so I am not posted.

Mr. THOMPSON. But from your knowledge as a member and representative of the association and your general knowledge of the affairs of the association, do you know whether or not, as a matter of fact, they did take an interest in that law?

Mr. GRAFF. I do not.

Mr. THOMPSON. Do you think they did.

Mr. GRAFF. I don't know. So far as the firm I represent is concerned, we were not interested, because our mutual association has at all times been voluntary, and therefore the law did not affect us, and therefore we were not interested in it, or rather, in finding out from the association how they were upon that question.

Mr. THOMPSON. During the agitation of the subject previous to its consideration by the legislature, and during this session of the legislature, and during the time of the passage of the law, did you have conferences with other members of this association, or with the employees of other members of this association, with reference to that law?

Mr. GRAFF. I did not.

Mr. THOMPSON. Have you heard any statements made by either the members of the association or their responsible officials?

Mr. GRAFF. No; I have not.

Mr. THOMPSON. Now, coming back to the first clause as being the one which, in your opinion, relates to the question of the relationship of the employees to the employers, to wit, to protect it from unjust and unlawful exactions—what would that cover?

Mr. GRAFF. Immoral legislation is a subject that might be included in that category.

Mr. THOMPSON. Yes; and it might include this bill?

Mr. GRAFF. Yes, surely.

Mr. THOMPSON. And the 54-hour bill for women?

Mr. GRAFF. That I don't remember; but there were five labor bills this year that were taken up by the association and opposed by the association.

Mr. THOMPSON. Now, with reference to the relationship of the 75,000 employees to the stores, you have made some study of that and it is self-evident that that proposition is one of the most important matters which an association of this kind could have in view.

Mr. GRAFF. Hardly, for the reasons that the conditions in the different stores are so different—there was no standard as to the store and what might be a just condition in one store would not be a reasonable condition in another.

Mr. THOMPSON. Just a moment there; if the question was the establishment of standards, what you say, I would think, might be true; but taking the whole question, I am not thinking now or considering the question of standardization either of hours or wages or the sanitary condition, or of their methods of treatment of employees; but the general question of the relationship of the employees to the employers is one of the most vital, if not the most vital, questions, is it not?

Mr. GRAFF. It is an important question—a vital question.

Mr. THOMPSON. Now, did the question, so far as you know from your position of secretary of this association, did the question of your relationship come before the association? I am not asking you now how or in what way, but did it?

Mr. GRAFF. Oh, yes.

Mr. THOMPSON. It was a question that naturally would come up often at the meetings, did it not?

Mr. GRAFF. It came up at times, more or less frequently.

Mr. THOMPSON. It would come up for discussion? I am not asking you now the details, but just that it did?

Mr. GRAFF. Oh, yes.

Mr. THOMPSON. And it would come up often for discussion?

Mr. GRAFF. More or less frequently.

Mr. THOMPSON. Open discussion by the membership?

Mr. GRAFF. Open discussion by the membership.

Mr. THOMPSON. Now, as the result of the presentation of this question at the meetings of the association, and the open discussion of it by the membership, were any rules or regulations established dealing in any particular? I am not asking how now, but dealing in any particular with this relation between the employees and employers?

Mr. GRAFF. There were no rules or regulations established, because the association as such has no power to make such rules or regulations. There were recommendations at times.

Mr. THOMPSON. Not considering the words rules or regulations as being such as to govern each establishment, but to simply govern the relationship of the members to each other in this association. Were any such rules, resolutions, or motions, or understandings had between the members?

Mr. GRAFF. I should say no. Nothing. There never has been anything in our by-laws or activities that would bind members to any definite understanding or agreement. There is simply—you might call it more a conference, where they come in and exchange views and then act individually according to their best judgment and the needs of their individual establishment.

Mr. THOMPSON. But after this exchange of views was had between the members of the association at the meetings you have spoken of is a common understanding, or rather if there was a consensus of opinion arrived at there, no attempt to formulate any binding rule or code of action generally, would the members live up to this consensus of opinion?

Mr. GRAFF. I should say no; in all instances. In fact, it was very difficult and almost impossible to determine anything where you could get unanimous action owing to the fact that the individual standards and requirements and needs of these individual stores were different.

Mr. THOMPSON. Well, having had no question of the standards of requirements of the individual stores, but dealing only with such rules as might be general to all these stores as your object says.

Mr. GRAFF (interrupting). Yes.

Mr. THOMPSON. Dealing with just such questions as that, there is a clear line of demarcation, in my mind, and what I want to give you; but taking those general questions alone, no consideration of conditions in any store, when a general consensus of opinion was arrived at by the members in reference to some general proposition, would that be as a general thing lived up to?

Mr. GRAFF. Take it as a general thing, I can not recall an instance where there was unanimous action, or where there was unanimous agreement, or unanimous opinion.

Mr. THOMPSON. Or where there was a fair consensus of opinion, you can recall that?

Mr. GRAFF. Oh, there were many cases where there was a majority consensus of opinion, and then the individual firms governed themselves by their individual meetings.

Mr. THOMPSON. Well, in general, where there was a majority or a three-quarter percentage of opinion, how would they, as a matter of fact, act with reference to this opinion?

Mr. GRAFF. As individuals?

Mr. THOMPSON. As individuals.

Mr. GRAFF. Yes.

Mr. THOMPSON. Would they generally conform to it as individuals or would they generally differ from it as individuals?

Mr. GRAFF. Well, when they agreed to it they would conform to it for a time.

Mr. THOMPSON. Well, then they did agree to some propositions?

Mr. GRAFF. As individuals?

Mr. THOMPSON. As individuals.

Mr. GRAFF. As individuals. Apart—

Mr. THOMPSON (interrupting). Just a moment. If three-quarters of the membership present at any meeting should determine or decide that a certain line of action or certain line of thought or certain line of procedure was the correct thing, then, as a matter of fact, as individuals, these people who had expressed that opinion would conform to it?

Mr. GRAFF. Quite right.

Mr. THOMPSON. Now, with reference to the length of time—you were secretary of this association for eight years. During that time you stated these questions came up for discussion?

Mr. GRAFF. Yes.

Mr. THOMPSON. And as a body the membership of that association would be considered by the public at large as intelligent men?

Mr. GRAFF. Yes.

Mr. THOMPSON. When they met together from time to time during all these years and discussed this very vital point, or question, you would not want the commission to have the opinion that they never arrived at any agreement or any general consensus of opinion at any time, and that their discussions were purely desultory and ineffectual, would you?

Mr. GRAFF. I would like not to have that opinion, but I am testifying as to facts.

Mr. THOMPSON. I see. But as a general thing, these men of intelligence and understanding, vitally interested in this great problem, meeting together and discussing it, whenever they discussed it they formed the usual conclusion and acted in the usual way that intelligent men do act, meeting as they met?

Mr. GRAFF. Yes.

Mr. THOMPSON. Now, with reference to the proposal of a specific problem, as secretary of this association were you ever desired either by resolution or in any other form of action by the association or by a general consensus of opinion, were you ever required to keep any sort of list of the membership of the employees, either present employees or discharged employees of the various members of the association?

Mr. GRAFF. Yes.

Mr. THOMPSON. Now, what kind and character of lists were they, if you care to state?

Mr. GRAFF. I will be very glad to give you all that information. The retail dry goods association has for a number of years investigated the references of all the employees of its members, and they have kept that information on file. The result has been that the members by sending to the dry goods association could get the previous record of a prospective employee very quickly and more cheaply than by individual investigation. And in carrying out that work why, the stores, as they have discharged or laid off or taken people from the records by reason of resignation, they had sent the names of those people with their references to the association, and they were recorded on their respective records, and when that person applied to any other member of the association the previous history was given.

Mr. THOMPSON. Well, did your association keep any blanks or forms in that respect, and if so, would you have any objection to furnishing the commission with a copy?

Mr. GRAFF. They keep blanks and forms, and I can not see any objection to your having them.

Mr. THOMPSON. Will you please give them?

Mr. GRAFF. I will undertake to see that you get them.

Mr. THOMPSON. Now, in a general way, you might state what those forms contain, if it can be done, if you can do it.

Mr. GRAFF. The firms send in what they call a lay-off sheet each day, listing the employees' name, the position occupied, the date of engagement, and the reason for leaving.

Mr. THOMPSON. Were any other points tabulated or kept with reference to the individual employees?

Mr. GRAFF. No; none others.

Mr. THOMPSON. In the question of the discharge of a man and the furnishing to your association by the employer of the reason for the discharge, the employer had a free action to state anything he pleased, did he not?

Mr. GRAFF. Quite right.

Mr. THOMPSON. And what would be stated would be determined by that man?

Mr. GRAFF. Yes.

Mr. THOMPSON. Rather than by your association?

Mr. GRAFF. Determined by the individual case.

Mr. THOMPSON. And whatever that member of your association should report in reference to an employee would, as a matter of form and courtesy, be furnished to the next intending employer?

Mr. GRAFF. If he were a member of the association.

Mr. THOMPSON. I am talking of only members of the association.

Mr. GRAFF. I would like to get that clearly on the record, that the information that we had on our files was given only to members of the association, and a firm not a member of the association had at no time any access to our information.

Mr. THOMPSON. Now, with reference to that fact I will restate it again. The discharging employer would state such references and such matters as he chose?

Mr. GRAFF. Yes.

Mr. THOMPSON. And such matters as he chose would be restated to the new intending employer?

Mr. GRAFF. Quite right.

Mr. THOMPSON. Now, during the time of the discussion of these affairs, the discussion of the relationship of employees and employers at the various meetings, questions being brought up, naturally each employer would state such things as in his mind he would consider pertinent, would he not?

Mr. GRAFF. In relation to this subject.

Mr. THOMPSON. In relation to the discharge of a man.

Mr. GRAFF. No; that was not discussed at the association meetings.

Mr. THOMPSON. No; but I mean the members of your association having taken part in these discussions from time to time during the year would state such things on the discharge certificate, or whatever you call it, or blank, as they would consider pertinent relating to this question of the employment——

Mr. GRAFF (interrupting). Yes. I don't understand your question.

Mr. THOMPSON. Of the employment of the worker?

Mr. GRAFF. Yes.

Mr. THOMPSON. And the new man would consider that in the light of the discussion and his views?

Mr. GRAFF. Quite right.

Mr. THOMPSON. But was there any rule passed or orders or motions or resolutions or any other formal expression as to the recording of any specific fact relating to any employee?

Mr. GRAFF. No; there was not.

Mr. THOMPSON. Was there any understanding, for instance, that the matter of the dishonesty of an employee should be specifically noted when discharged for that reason?

Mr. GRAFF. It was specifically noted, the same as any other reason for discharge, good or bad.

Mr. THOMPSON. Well, when a member of your association discharged an employee for a willful, deliberate case of fraud or dishonesty, would he be expected to state that fact in making the report to your association?

Mr. GRAFF. Why, yes.

Mr. THOMPSON. He would be expected?

Mr. GRAFF. He would be expected.

Mr. THOMPSON. Well, under what conditions would he be expected to make that kind of a report? Was it through a resolution or motion, or was it a common understanding that that should be required?

Mr. GRAFF. Well, I don't think that question was ever raised. I don't think it was necessary to raise it. They would give the true reason for discharge, be it good or bad, and it was not necessary to have any resolution or formal action in regard to that.

Mr. THOMPSON. Then it was understood that the true reason for the discharge should be stated?

Mr. GRAFF. Naturally.

Mr. THOMPSON. Now, if an employee was actually discharged for dishonesty from the standpoint of the employer, but the employer, not wishing to have

any damage suit on his hands, or not wishing to make any accusations, but exercising the prerogative and the right to discharge his employee, if he should make no statement to the employee in regard to that fact, would he still be expected to state to your association that the real reason was the dishonesty of the employee?

Mr. GRAFF. Yes.

Mr. THOMPSON. And that would hold true with reference to any reason?

Mr. GRAFF. Absolutely.

Mr. THOMPSON. Was there any rule or understanding of that kind specifically with reference to whether or not an employee was a member of any organization of any kind or character?

Mr. GRAFF. No; there was not.

Mr. THOMPSON. You need not state what was discussed or what was said, but was there any discussion at any of these meetings of your association of the unionization or of the attempt to unionize the employees of the department stores?

Mr. GRAFF. Yes; there was.

Mr. THOMPSON. Did it come up more than once?

Mr. GRAFF. Yes.

Mr. THOMPSON. Many times?

Mr. GRAFF. Whenever occasion seemed to justify it. I recall one case in particular. Some years ago when there was some trouble with the express drivers there was a strike of express drivers, and conditions here was such that there seemed to be general unrest among drivers in all the stores, and we had a meeting of our association and we discussed the situation and any such facts as to the minimum salaries we were then paying for both drivers and wagon boys, and we found in one or two instances that some firms were paying less than others, so we as an association recommended to all members that they adopt a certain minimum, in that way eliminating any just reason for dissatisfaction among any of our drivers. That is one specific instance I recall in discussing labor matters.

Mr. THOMPSON. Well, at any of these meetings, was there a fairly unanimous opinion about the subject of unionization of employees?

Mr. GRAFF. Well, we did not discuss the——

Mr. THOMPSON (interrupting). I do not care what phase; I mean any phase of the question. I am asking you——

Mr. GRAFF (interrupting). We did not discuss the question as to whether we were in favor of organization or opposed to organization. We simply advised our members as to conditions as they existed at the moment.

Mr. THOMPSON. Would you want to state now that at none of those meetings at which this question was discussed, that the question of unionization as such, came up for discussion?

Mr. GRAFF. As to whether or not we were in favor of or opposed to the unionization?

Mr. THOMPSON. Yes; opposed or as to whether or not any steps should be taken that were either favorable or unfavorable toward unionization?

Mr. GRAFF. We kept advised as to conditions, and we exchanged views. Some of our members were opposed to organization and some were not opposed. Take our own case, I can not picture any demands of any organization that would be a serious consideration for us. In other words, I can not picture their adopting standards which would necessitate our changing either our hours of employment or our wage scale. So it was the subject that was not of vital interest to all members.

Mr. THOMPSON. So far as your own store is concerned, in case an employee is charged with dishonesty, with the taking of goods or the taking of money, or charged with dishonorable practices, who passes on that question?

Mr. GRAFF. Those matters are all referred, before any final action is taken, to our president, Mr. Friedsam.

Mr. THOMPSON. Who gives consideration to that matter?

Mr. GRAFF. Correct.

Mr. THOMPSON. Has the employee of your concern the right of appeal to him in person and present his case?

Mr. GRAFF. In our store, speaking both figuratively and literally, there is no door to the president's office. He is in very close touch with all of our employees. I do not believe we have a driver in our delivery department that

he does not know by name, and it is a matter in which he has a keen and vital personal interest, and all questions of discharge, before final action is taken, are referred to him.

Mr. THOMPSON. And the employees, as you say, have free access?

Mr. GRAFF. Absolutely.

Mr. THOMPSON. Would an employee of your establishment be impressed by the tremendous amount of business which he had to discharge, or very important in character, and therefore be deterred from appealing to him, do you think?

Mr. GRAFF. I think not.

Mr. THOMPSON. You think not?

Mr. GRAFF. He does not create that impression among his employees.

Mr. THOMPSON. You know that that, however, is an important item?

Mr. GRAFF. Yes, sir.

Mr. THOMPSON. A condition?

Mr. GRAFF. Yes, sir, he is very democratic, and he is one of the employees with them, a part of them.

Mr. THOMPSON. I think you stated yesterday how many employees you have. Will you state that again, please?

Mr. GRAFF. Three thousand five hundred.

Mr. THOMPSON. Three thousand five hundred?

Mr. GRAFF. Yes, sir.

There was an error in the testimony, as I received a copy of it, which I would like to have corrected, if this is the opportune time, so far as wage is concerned. In the question of the clerical force, I stated that there were 155 women over 18 earning \$9 or more. There were 31 earning \$8, and 39 earning \$7, and there were none earning less than \$7. The minutes, as I saw them here, had that there were 31 earning \$8 or over, which was not what I stated.

Mr. THOMPSON. Now, Mr. Graff, with reference to your knowledge of other stores, members of your association, in case of the discharge of an employee for dishonesty, who passes finally and conclusively on the guilt or innocence of a man?

Mr. GRAFF. I have no knowledge as to how that thing is operated in detail in other stores.

Mr. THOMPSON. But, generally, is it your impression that an individual, such as a store detective, has the determination of that question?

Mr. GRAFF. I do not think that anybody in as minor a position as store detective would have that authority, but I have no definite knowledge, and possibly I had better not testify as to that.

Mr. THOMPSON. You may state, if you know, whether or not in such a case, respecting the character and the infliction of punishment on a man, whether the employees generally have the free right of appeal in the consideration of their case, not only as to whether they are guilty or not—the guilt may be admitted—but the question as to the amount and severity of punishment.

Mr. GRAFF. My work in the dry goods association did not bring me into intimate knowledge of that work. I can only speak for our firm—that is passed upon by our president.

Mr. THOMPSON. Is there any other statement you would like to make?

Mr. GRAFF. No; I think not.

Commissioner DELANO. Can you give the commission any idea of the length of time those employees have been in your service? There has been a good deal of evidence showing that employees shifted constantly every year, and the commission would like to have some information on that—as to the length of service, etc.?

Mr. GRAFF. I can give it to you in an indirect way. Under the will of Mr. Altman there was consideration given to that, and there was an amount left for each employee who had been in the service of the firm 15 years or more, and there were approximately 400 employees who are beneficiaries under that provision of the will. Approximately 400 who had been in the service there 15 years or more. It might be interesting in connection with that to note that those 400 received an amount approximating \$1,800,000 as beneficiaries.

Commissioner DELANO. Do you know if any record shows how many employees were in the employ of Altman for 15 years?

Mr. GRAFF. I haven't that information.

Commissioner DELANO. It was not as large a store then as it is now?

Mr. GRAFF. No, sir; it was not.

Commissioner DELANO. You have 3,500 now?

Mr. GRAFF. That is correct.

Commissioner DELANO. Did you have that number then?

Mr. GRAFF. I really don't know; if that is of interest I will be very glad to furnish that information to the commission.

Commissioner DELANO. That is all I have.

Commissioner O'CONNELL. Do you refer in Altman's, in circular form, to the methods by which their business is carried on? That is, the cooperation?

Mr. GRAFF. No, sir; the details of that have not been fully determined as yet, because the foundation is still in course of organization, and nothing absolutely definitely has been determined as yet, but I suppose in the proper time some literature will be prepared and published.

Commissioner O'CONNELL. Would you prepare for the commission a statement of the affairs up to date, so far as they have gone, in the organization or preparation of that plan, so that we will have before us the exact conditions under which the employees are employed by the company?

Mr. GRAFF. That I can possibly tell you. As to how the employees are employed by the company?

Commissioner O'CONNELL. I mean the general scope, résumé of the whole plan of organization of the concern, under the will of Mr. Altman?

Mr. GRAFF. I will be very glad to endeavor to get that for you.

Commissioner O'CONNELL. We want to have it on paper before us, something that would indicate the situation. It appears, at least to me, that this firm is looked upon as of the higher type in the payment of wages, etc. There seems to be some purpose or reason for that.

Mr. GRAFF. That, I think, has always been the policy of the house. That possibly explains why it is so regarded, as you indicate.

Commissioner O'CONNELL. I notice in this book of laws of the association: "To protect it from unjust and unlawful exactions," etc.; what is the unlawful exactions? If the employees should organize and ask for a seven-hour day, would that be an exaction that you would consider of such a character that it would bring to your assistance the members of the association to prevent it?

Mr. GRAFF. I do not think that would seriously affect us.

Commissioner O'CONNELL. Suppose they were to ask of \$12 a week minimum?

Mr. GRAFF. For the class of employees that anybody might ask for \$12 a week minimum, I think, we are already paying it. I testified yesterday, I believe, that our average salary to saleswomen is \$15.29.

Commissioner O'CONNELL. Well, supposing they got the idea that they were entitled to an increase, and came to the president of your company and presented a request that a minimum wage for women in Altman & Co's should be \$20 a week; suppose that would be considered an exaction that would warrant you in appealing to the dry-goods association for their assistance and cooperation to help you prevent?

Mr. GRAFF. So far as we are concerned, I think we might better handle that ourselves, because I do not think even a demand of that kind would be very serious, as I do not think there would be enough of our employees who would be interested to make it of very great moment.

Commissioner O'CONNELL. Suppose the employees were unanimous in it? Such things do occur. Supposing every employee signed a petition for it?

Mr. GRAFF. Well, before a condition of that kind could arise, I think conditions generally would change so much that an opinion one might have to-day would not be of much value at that time.

Commissioner O'CONNELL. You can not imagine anything impossible which might happen?

Mr. GRAFF. Not anything as impossible as that.

Commissioner O'CONNELL. A list of questions was asked of an officer or one of the representatives yesterday who was on the stand—a list of questions prepared by your counsel and handed to Mr. Thompson to be asked.

Mr. GRAFF. The counsel of the dry-goods association?

Commissioner O'CONNELL. Yes. I say this list of questions was prepared and presented to Mr. Thompson to be asked of the witness who was on the stand, and Mr. Thompson has practically asked a great number of these questions, or practically all of them.

Now, as to the membership, what is the cost of the membership in the retail dry-goods association?

Mr. GRAFF. The annual dues are \$600 a year.

Commissioner O'CONNELL. Is there any method of special assessments or special levies of any kind?

Mr. GRAFF. No special levies of any kind.

Commissioner O'CONNELL. Are there any salaried officers?

Mr. GRAFF. Yes.

Commissioner O'CONNELL. The president?

Mr. GRAFF. No; the secretary is the salaried officer.

Commissioner O'CONNELL. What is his salary?

Mr. BLOOMINGDALE. I object to that question. As counsel for the association, I wish to put on record a protest against that question as going into the internal affairs of the association. The investigation into the internal affairs of other associations has not been permitted, and I desire, on behalf of this association, to make a protest.

Commissioner O'CONNELL. Did you not prepare these questions yesterday?

Mr. BLOOMINGDALE. I did, but they were not answered.

Mr. THOMPSON. I would like to say that they were. I recollect, in a specific case, I did ask the president of the union what salary he got, and he said he got none; and I did ask the organizer what salary she received, and she did say she got \$20 a week; and at your request, across the table verbally, I did ask her what she had earned at any other time, and those questions were answered by her; and I think this witness ought to be permitted to answer this question, and I think, as a matter of morality, he should answer it.

Acting Chairman COMMONS. Mr. Bloomingdale, you heard the secretary state that she was getting \$20—or the organizer. Do you still object to the information being given as to what the organizer or secretary of this association is getting?

Mr. BLOOMINGDALE. We have no organizer and I have no objection to the secretary stating.

Acting Chairman COMMONS. What did the secretary receive?

Mr. GRAFF. In other words, what do I receive?

Acting Chairman COMMONS. Yes.

Mr. GRAFF. Gentlemen, I prefer not answering that question, if it is no discourtesy to the commission.

Acting Chairman COMMONS. All right.

Commissioner O'CONNELL. Now, you employ counsel for the association?

Mr. GRAFF. They do.

Commissioner O'CONNELL. What salary does the counsel receive?

Mr. GRAFF. Well, I would just thank you to put the counsel on the stand and ask him that question.

Commissioner O'CONNELL. I had intended to do so.

Mr. THOMPSON. Well, do you know what he receives?

Mr. GRAFF. Yes; I know.

Mr. THOMPSON. And you prefer not to state?

Mr. GRAFF. I prefer not to state, as a matter of courtesy to him.

Commissioner O'CONNELL. Are there any other salaried officers besides the secretary and counsel?

Mr. GRAFF. Oh, there is an office staff, but not officers.

Commissioner O'CONNELL. I mean officers?

Mr. GRAFF. No.

Commissioner O'CONNELL. You keep an office or headquarters?

Mr. GRAFF. Oh, yes.

Commissioner O'CONNELL. Where there is a staff of employees?

Mr. GRAFF. Oh, yes.

Commissioner O'CONNELL. In that office is there a file and in it kept a list of discharges and resignations of employees from the various members of the association?

Mr. GRAFF. A complete record of the employees, as to what they formerly were employed at, and where they are employed.

Commissioner O'CONNELL. Sort of a card index?

Mr. GRAFF. Card-index system. And it might be interesting to the commission to know that that record has been rather valuable to the police department, when they are trying to find missing people, or crooks from other cities who have been hunted for, and who would naturally seek employment in department stores, and they have been able to come to us, and we have been able to tell them where these people were employed. We have been able to locate them by means of this information we keep.

Commissioner O'CONNELL. Does the counsel of your association look after cases that are important to your association, of dishonesty and stealing? Are those matters referred to your counsel?

Mr. GRAFF. No; we have, or had, a special attorney for that. I don't know whether we still have him or not.

Commissioner O'CONNELL. Each firm looks after its own affairs in that way, or are they referred to your association?

Mr. GRAFF. Most of the firms look after their own affairs. There were some few who jointly employed an attorney to see that the evidence was properly presented when criminal prosecutions were taking place.

Commissioner O'CONNELL. If a young lady was discharged for apparent insubordination—sassing the floorwalker, or something of that kind—her card is marked “discharged—insubordination”?

Mr. GRAFF. Well, I can not answer that; I don't know how that would be handled by each concern; I am sure we would not mark a card that way.

Commissioner O'CONNELL. Well, in other words, in the discharge of employees, there is a reason assigned on the card for their discharge?

Mr. GRAFF. Quite right.

Commissioner O'CONNELL. Not simply an entry of discharge?

Mr. GRAFF. Oh, no.

Commissioner O'CONNELL. But for some purpose?

Mr. GRAFF. Quite right.

Commissioner O'CONNELL. Now, what is the slightest cause you remember for which a person is discharged and which is kept on the cards?

Mr. GRAFF. Slightest cause?

Commissioner O'CONNELL. The smallest thing you can remember now?

Mr. GRAFF. Well, the details of that, I personally did not handle. That required a clerical force, and I did not see why people were discharged or not. I simply had general supervision of the organization. The principal reason of discharge is the matter of the employee resigning; I know that is the case with us. More employees resign than are laid off, and of those who are laid off, why, the biggest percentage are those laid off by reason of the general reduction of force at the end of the holiday season after they have been carrying what might be termed the peak load.

Commissioner O'CONNELL. If a young lady is discharged for a very minor offence—and I can imagine a great number of employees in a large establishment that offences can be magnified very rapidly from the start up to the time they get to the party who does the discharging until they look large. Now an offence of a very minor character is indexed against this lady in the office of this association, and her chance—perhaps she leaves the Altman store—I speak of that because it comes to my mind—and perhaps she goes to Wanamaker's store. She is employed, and then word is sent up to the headquarters as to your records, and so on, and word comes back, “discharged; insubordination.”

Mr. GRAFF. That record would not be given in that case. Wanamaker's are not members of the association and have no right of access to our records.

Commissioner O'CONNELL. Well, that is immaterial; but take some other members. I was speaking about the members of the association.

Mr. GRAFF. Yes; they would send to the association for the previous records.

Commissioner O'CONNELL. And the record comes down, “Miss Mary Jones was discharged for insubordination.”

Mr. GRAFF. Whatever the previous employer might have stated.

Commissioner O'CONNELL. Now, it might be ever so slight; it might be purely a question of some man in charge, a floorwalker or somebody higher, who said it was insubordination. Now, that record stands against her with how many members—18 members of your association?

Mr. GRAFF. I think that is the number.

Commissioner O'CONNELL. Eighteen members of your association, employing 75,000 people, and that young lady is listed as being insubordinate, and that information goes to the stores who are members of your association, employing these 75,000 people.

Mr. GRAFF. Oh, no; as to that question of insubordination, she would be questioned as to the insubordination, and if it seemed serious that prospective employer would doubtless get further information of the previous employer, either directly or through our association—getting the detailed facts in the case. That would not keep a person out of a position with any one of them.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. When you furnish that statement regarding the organization of your association, will you give us a digest of the foundation plan, if you are permitted to give it?

Mr. GRAFF. I will be very glad to endeavor to get that as well.

(See Graff exhibit.)

Commissioner LENNON. Now I just want to ask you a couple of questions. Suppose the record goes to the office of the association of the discharge of an employee, giving the reason, would it be considered a discourtesy toward the association and the other members of the association if some member, after having received that record, would lure the person anyhow?

Mr. GRAFF. Oh, no, indeed; that is done in a great many instances. Even in cases of dishonesty, if they are impressed with the applicant, why, they get the details of the case and then determine for themselves. Very often a person may be discharged from one store for dishonesty because discipline demands it; but that is not justification for keeping that person out of employment in another store.

Commissioner LENNON. Now, just one other question: Has the association any plan or any machinery by which a discharged employee against whom there was a bad record of some character could have that record removed? Is there any way that they could appeal to your association to have that record eliminated?

Mr. GRAFF. No; they could not appeal to the association; they could appeal to the firm that placed their name with the association, and at the request of that firm, why, the reason of the discharge was changed.

Commissioner LENNON. Suppose the firm refused to take up the matter; would there then be any way that they could get to the association and have the matter reexamined?

Mr. GRAFF. No; there would be no way, for the simple reason that in giving information to the other members of the association we simply act as the agent of the firm first giving it to us, and we state that that firm reports as follows.

Commissioner LENNON. Do you believe after the talks we have had here among ourselves—do you believe that any such plan as that would be unwise or harmful or wrong, that an employee should have an opportunity, even after it got to the association, to have a hearing?

Mr. GRAFF. The association has no facts regarding the employment of any of these people, and, as I say, simply acts as agent—

Commissioner LENNON (interrupting). But they could hear the facts, if such a board was created, they might hear the facts?

Mr. GRAFF. They could; that matter has never been suggested.

Commissioner LENNON. That is all.

Acting Chairman COMMONS. Mr. Garretson, have you some questions?

Commissioner GARRETSON. The association, really, is a clearing house for the records of the employees of the members of the association?

Mr. GRAFF. So far as that particular feature of the association is concerned?

Commissioner GARRETSON. I am speaking only of that phase of the activities of the organization. Now, the organization itself utilizes no machinery to investigate whether or not an entry on the record of an employee is fairly or unfairly placed there?

Mr. GRAFF. No; it does not.

Commissioner GARRETSON. The employee is absolutely at the mercy of any agency existing in the store that furnishes the record, whether there is personal bias or tyranny, or anything of that character behind it, and the association virtually accepts the responsibility for that injustice by not investigating on its own account?

Mr. GRAFF. No; the association does not assume any responsibility there, because the firm to whom that person later applies very often makes its own investigation. In other words, the information which we get is simply a warning, a flag, meaning, "Look carefully and investigate. Go to So-and-so if you want further investigation." Because, in many instances, we have found these employees were discharged from one firm for dishonesty, and knowing that that firm would not give anybody truthful reference which would give information of their delinquency, they cover up that employment and will not refer to that firm at all, but will claim that they were out of employment, or will go to some person who is a friend that will give them a record.

Commissioner GARRETSON. In the business that employs flags most largely, there are flags of a great many different colors, and which mean entirely different things—

Mr. GRAFF (interrupting). Well, we have but one color, meaning but one thing.

Commissioner GARRETSON. And doesn't it act this way: That if there are two applicants in line for employment, and one of them is unknown, so far as his record is concerned, and the other may have an entry against his record,

that comes from precisely a case of this kind—supply and demand being equal—will any employer take the trouble to investigate an applicant of that kind when he has one that he can put his hands on that seems as desirable as to which there is no such information given?

Mr. GRAFF. I should say that would depend upon the individual case, and the way the two applicants impressed the prospective employer.

Commissioner GARRETSON. Well, but isn't this apparent, that if bias and injustice make an undesirable entry, and there are no means available in the association to investigate the truth or falsity of that entry, that it may result in the outlawing of an innocent person?

Mr. GRAFF. Not any more than—the result would be no different than if there was no association, because that person would refer to that store, and the prospective employer would apply to that store and get the same information that we would give on behalf of the store.

Commissioner GARRETSON. Do you believe, or have you ever given any consideration, to the question that a method of this kind followed up can only result in an investigation that will compel every employer to give a dismissed employee a certificate stating the cause of discharge openly and aboveboard?

Mr. GRAFF. I see no objections to that, and I would say that any employee who is discharged for reasons making him undesirable, knows why he is discharged.

Commissioner GARRETSON. Or to make him a desirable employee—those things might happen.

Mr. GRAFF. Well, they would not be the same, no, sir.

Commissioner GARRETSON. He could be undesirable to one employer, and it might be the very thing that would make him desirable in the idea of another?

Mr. GRAFF. I had in mind the question of dishonesty; and I can not think of any employer who would want dishonest employees.

Commissioner GARRETSON. I fancy that in most of these injustices that arise the question of honesty is not in question at all unless used as an excuse instead of the true reason of the discharge.

Mr. GRAFF. I don't think that, Mr. Garretson.

Commissioner GARRETSON. Well, you recognize my right to differ with you.

Mr. GRAFF. Surely.

Commissioner GARRETSON. Are you aware of the fact that in many of the States now there are laws requiring that very thing for certain classes of employees?

Mr. GRAFF. No; I have not that knowledge.

Commissioner GARRETSON. Well, there are, and those laws are the natural outgrowth of conditions. If any element had the influence to pass such laws it would seem that it would be the natural outgrowth of an injustice complained of, wouldn't it?

Mr. GRAFF. May I have that question repeated?

Commissioner GARRETSON. I say, if a class of employees had the power to get such a provision upon the statute books—an enactment of that kind, it would be a fair assumption that it was because they complained of former injustice in that respect?

Mr. GRAFF. Yes, sir.

Commissioner GARRETSON. In other words, it is a guard against blacklisting?

Mr. GRAFF. We have no blacklist.

Commissioner GARRETSON. Oh, no; I never saw anybody yet that had, but if a thing works to outlaw an innocent person from the pursuits they have chosen, it is, in fact, in its working, a blacklist, is it not?

Mr. GRAFF. Not necessarily.

Now, one of these self-confessed thieves yesterday, who was on the stand, admitted that in applying to one store that he did not give the reference to the firm with whom he held the position who discharged him for dishonesty.

Commissioner GARRETSON. I would like to ask you one thing in regard to that. I want to say to you that I have no sympathy with self-confessed thieves. I want to put that as a preface to the question. But have you found a greater proportion, as to the number employed in this pursuit alone, have you found a greater percentage of dishonesty charged or believed against employees than against business men?

Mr. GRAFF. I should say yes, by all means.

Commissioner GARRETSON. Charges.

Mr. GRAFF. Yes; going back to this question of the self-confessed thieves, it might be interesting to you to know that in their testimony they stated that

they applied to Wanamaker's and to Stern's for positions and were employed, I believe, in each firm one week, and then discharged. Now, to show how our records did not operate, at the same time Stern Bros. were not members of our association and had no access to our records. Wanamaker's are not members of our association, and have no access to our records, and therefore both of those cases must have been dealt with by both of those firms applying privately to the former employer.

Commissioner GARRETSON. Why, I have no doubt that that channel of communication does exist between those who are and those who are not members. I have not questioned that at all.

Mr. GRAFF. Yes.

Commissioner GARRETSON. Does the new compensation act include or exclude mercantile pursuits?

Mr. GRAFF. It includes certain employees in certain departments.

Commissioner GARRETSON. But in general.

Mr. GRAFF. In general, no.

Commissioner GARRETSON. Was the influence of your association exerted either in favor or opposed to the bill or to secure exemptions?

Mr. GRAFF. We took, as I recall it, absolutely no part in either appearing for or against or in any way going on record as in favor of or opposed to the compensation law.

Commissioner GARRETSON. You made no special effort to secure the exemption of your own interests?

Mr. GRAFF. Absolutely none.

Commissioner GARRETSON. In regard to the general protection—now I am not speaking of your own store, but your knowledge of the business in general—did you hear the testimony that was given yesterday by Mr. Goodwin?

Mr. GRAFF. Yes.

Commissioner GARRETSON. I will assume from Mr. Goodwin's attitude that he has always considered himself aligned on the side of the employer in the conduct of his business.

Mr. GRAFF. He made a very favorable impression.

Commissioner GARRETSON. That was my impression—that his own sympathy lay with the employer to a very considerable degree in these questions of discipline that arose.

Mr. GRAFF. Yes.

Commissioner GARRETSON. And as outlined by him is there any real equity, in your opinion, in the treatment accorded to sales people on complaints made by customers, leaving the question of cash out—the relation between the sales people and the customers?

Mr. GRAFF. I can best answer that for our own firm, and we have, as all stores many claims made by customers of goods not delivered, of shortages, and these questions are investigated.

Commissioner GARRETSON. And of discourtesy?

Mr. GRAFF. And of discourtesy. And if responsibility can be placed, why, the employee is advised, I might almost say reprimanded, though mildly, but there is no charge made directly to the employee for any shortage of the time, and if there is a fair question of doubt, why, the customer is given the benefit of the doubt. That is a matter between the customer and the firm—

Commissioner GARRETSON. Yes.

Mr. GRAFF (continuing). Not between the customer and the employee.

Commissioner GARRETSON. Yes.

Mr. GRAFF. We do not believe in a fining system. We have no such thing.

Commissioner GARRETSON. Yes. So much for Altman & Co. Now, have you any reason to believe that Mr. Goodwin stated from his experience a condition that does not exist, because he testified it was absolutely general in all the firms with whom he had been employed.

Mr. GRAFF. I have no knowledge of it.

Commissioner GARRETSON. I say, have you any reason to doubt that he was testifying straightly?

Mr. GRAFF. I have no reason to doubt it.

Commissioner GARRETSON. If that condition does exist, is there equity in the condition he described—equity for the employee?

Mr. GRAFF. I think not; absolutely not.

Commissioner GARRETSON. Now, in regard to your own institution—

Mr. GRAFF (interrupting). I beg your pardon.

Commissioner GARRETSON. In regard to your own institution, has anybody in a position of authority ranging anywhere from the president to a department head or superintendent of employment, ever taken any measures to hinder outdoor meetings of your employees to discuss the question of organization in the neighborhood of the store?

Mr. GRAFF. I don't know of any outdoor meetings at our store.

Commissioner GARRETSON. Well, has any measure ever been taken that there would not be any?

Mr. GRAFF. No; I am inclined to think any people who might come to address our employees upon the lines indicated yesterday would not find a very ready audience; would not find an audience with whom they could have much effect.

Commissioner GARRETSON. You don't know if such action has been taken?

Mr. GRAFF. No.

Commissioner GARRETSON. How many people are in your entire staff who are intrusted with control and direction—that is, official and quasi official, clear down to a floorwalker and head of stock or department—about how many, approximately?

Mr. GRAFF. Well, I can not answer that.

Commissioner GARRETSON. Well, with 3,500 people how high would it probably run?

Mr. GRAFF. I would much rather submit that figure to you and then it will be correct.

Commissioner GARRETSON. You could not even approximate it?

Mr. GRAFF. No.

Commissioner GARRETSON. Here is what brought it to my mind. There are 400 people who have been with the Altman people for 15 years.

Mr. GRAFF. Right.

Commissioner GARRETSON. What I wanted to determine was how many of those 400—I suppose that includes from the president down?

Mr. GRAFF. Yes.

Commissioner GARRETSON. How many of those people do hold for a very considerable degree, positions of control and direction. For instance, if 300 of those 400 were in choice positions, it would not determine very much in regard to the continuity of service of the body as a whole. That is what I wanted to get.

Mr. GRAFF. I think I get your line of thought.

Commissioner GARRETSON. Yes.

Mr. GRAFF. And I have not got the figures you want, but I can make this statement or our firm can. Our firm again is possibly different from most others in that we create our important positions by men who have arisen from the ranks. If we want a buyer we do not go outside and take a buyer who has had experience in other stores, but it is a position to which somebody has worked up to, who started, possibly, as a stock clerk, then became a saleslady, then an assistant buyer, so that girl worked up to the position. And in that way we have created our own body of executives who have started in in minor positions, who have been regularly advanced.

Commissioner GARRETSON. Well, under that system you can readily see how little effect four hundred 15-year people might have on the great problem as affecting the 3,500 of continuity of service.

Mr. GRAFF. There are a great many 14-year people and 13-year people.

Commissioner GARRETSON. Yes.

Mr. GRAFF. And 12-year people, who, of course, are not included in that figure.

Commissioner GARRETSON. I will be very glad to see those figures.

Mr. GRAFF. I will make a note of that, if I may.

Commissioner GARRETSON. In regard to your clause in the by-laws of the association, protecting from unjust and unlawful exclusion. A clause like that might have a thoroughly and entirely different meaning, according to the origination and development of new rules, or to a change of mind on the part of the individual of the association, might it not?

Mr. GRAFF. Yes, sir.

Commissioner GARRETSON. It might mean one thing in 1910 and another thing in 1911?

Mr. GRAFF. Yes; quite right.

Commissioner GARRETSON. A clause as broadly drawn as that is—well, it might furnish a vehicle for unlimited good or it might be like charity, covering a multitude of sins.

Mr. GRAFF. I think most of our operations have resulted in good.

Commissioner GARRETSON. I was simply thinking of its development as time went on--what it might cover.

Mr. GRAFF. There have been several references to the dry goods association, and counsel has questioned other witnesses as to their knowledge, and I am here prepared to give you the fullest information about it, because I am glad to have you know anything in relation to our association, and if there are any further questions that suggest themselves to any members of the commission, I would be glad to have the opportunity of answering.

Acting Chairman COMMONS. Mr. Graff, I take it this information bureau regarding employees is done on quite the same lines as your credit bureau, is it not?

Mr. GRAFF. We do not maintain a credit bureau. That is maintained by separate private corporations conducted for profit.

Commissioner GARRETSON. Credit men's associations?

Mr. GRAFF. Yes, sir.

Commissioner GARRETSON. In the wholesale trade?

Mr. GRAFF. It is one of the purposes as incorporated in the by-laws, although we never took it up. It is simply a case of any frauds in that connection. Anybody charging goods to an account when they have no right to, other members are warned, and in that way safeguarded.

Acting Chairman COMMONS. That is in dealing with patrons or customers?

Mr. GRAFF. Yes, sir.

Acting Chairman COMMONS. You never have similar records of---

Mr. GRAFF. No, sir; we do not. That is left to the private institutions who are operated for profit.

Acting Chairman COMMONS. Do your members then avail themselves of that information by joining one of those other agencies?

Mr. GRAFF. They subscribe to one of those credit organizations.

Acting Chairman COMMONS. But you, as an organization, do not subscribe to one of those credit organizations?

Mr. GRAFF. No, sir; we do not.

Acting Chairman COMMONS. You consider you have a bureau of information regarding employees as much the same in service--performs much the same service as the credit bureau with regard to customers would, do you not?

Mr. GRAFF. Quite right.

Acting Chairman COMMONS. It is simply an exchange of information that the different members may have regarding any employee?

Mr. GRAFF. Quite right.

Acting Chairman COMMONS. And you take no responsibility in the matter as an organization?

Mr. GRAFF. Absolutely none. Simply the means by which the information is communicated.

Acting Chairman COMMONS. And, therefore, that if one employer has the right to inquire of another individual employer regarding any proposed employee---

Mr. GRAFF. This is a simpler operation for the giving of the information.

Acting Chairman COMMONS. You consider it is perfectly necessary and economical and proper that you should allow all that information come together in one place?

Mr. GRAFF. I see absolutely no objection to it.

Acting Chairman COMMONS. What position and advantage besides economy does it give you to have that system? For example, one instance would be where a proposed employee declines to give the name of a preceding employer.

Mr. GRAFF. That is one. Another is where an employee will give as a reference somebody living in his neighborhood. Possibly the proprietor of a small store, and state that he had been employed in some responsible position. Those references we investigate personally by investigators, and by going there they are able to size up the situation and determine whether the claims made by the applicant are reasonable or whether it is an apparent cooked-up reference.

Acting Chairman COMMONS. In that case your association does take responsibility?

Mr. GRAFF. In that case we give the information as we have found it to be. Acting Chairman COMMONS. Found it to be?

Mr. GRAFF. Yes, sir. And let the firm determine upon its reliability.

Acting Chairman COMMONS. How do you locate an employee who has failed to give a preceding reference?

Mr. GRAFF. By the fact that every member of the organization, at the time of discharge, automatically sends in that discharge following his term of service. When they apply to another store the previous references are thus gotten.

Acting Chairman COMMONS. They come together?

Mr. GRAFF. Yes, sir.

Acting Chairman COMMONS. Under your system?

Mr. GRAFF. Yes, sir.

Acting Chairman COMMONS. They would have to give a false name in order to get around that?

Mr. GRAFF. Yes, sir; and all false references.

Acting Chairman COMMONS. When a firm employs anybody they immediately send in the list of those taken as well as those let off?

Mr. GRAFF. Quite right.

Acting Chairman COMMONS. So that the organization has a complete list?

Mr. GRAFF. That is the way we are able to tell where the people are employed to-day. And that has been very valuable in cooperating with our city officials.

Acting Chairman COMMONS. There comes the suggestion that this might be a blacklist. I presume the idea is that there information would be given on these lists as to whether the person was laid off on account of being a member of the union. Such information might also be sent in, might it not?

Mr. GRAFF. No, sir; that information would not be given. If a person were discharged for being a disturber, a disorganizer, that information would be given and another firm would receive that information when they apply for the references of that party, but whether a party is a member of a union is a matter that does not concern us as an association and, so far as my own firm is concerned, it does not concern us.

Acting Chairman COMMONS. I was considering the merits of the question in reference to the controversy regarding blacklisting or boycotting and things of that kind.

Mr. GRAFF. I do not see how by any stretch of imagination that could be regarded as a blacklist.

Acting Chairman COMMONS. The information is there that the person is a disorganizer?

Mr. GRAFF. Disorganizing so far as the fellow employees of the previous firm are concerned. It is a reference to the previous position.

Acting Chairman COMMONS. If the inquiring firm wishes to find out what is the cause of the disorganizing disturbance—

Mr. GRAFF. They can ask it.

Acting Chairman COMMONS. There must be the question of unionism by direct inquiry?

Mr. GRAFF. Either of him or of the previous employer. They do not get that from us.

Acting Chairman COMMONS. You keep no record of whether he is a union man or a nonunion man?

Mr. GRAFF. Absolutely no.

Acting Chairman COMMONS. Simply in the interest of keeping harmony in the establishment?

Mr. GRAFF. Yes, sir.

Acting Chairman COMMONS. You state whether he works well with the other employees or whether he is a disturber of that kind?

Mr. GRAFF. Yes, sir; a disorganizer does not always mean the trying to get the fellow employees to join a union. It might mean just individual dissatisfaction with some rule of the house and trying to get the others to stand with him and refuse to obey it. It does not necessarily mean unionism when I speak of disorganizing.

Acting Chairman COMMONS. That is the way the commission looks at it. It does not keep any record on the question of unionism?

Mr. GRAFF. No, sir.

Acting Chairman COMMONS. Do you in your house have a commission system?

Mr. GRAFF. Yes, sir; we pay commissions. I testified as to the difference in salaries.

Acting Chairman COMMONS. I missed that then. That is all I have.

Commissioner GARRETSON. One question.

Acting Chairman COMMONS. Very well.

Commissioner GARRETSON. Do you have this compensating system that obtains at Wademaker's?

Mr. GRAFF. No, sir.

Commissioner GARRETSON. Give it out with one hand and take it back with the other?

Mr. GRAFF. No, sir; we try to give it out with both hands. And if we had three hands, after the foundation is organized, it would be given out with three hands.

Mr. THOMPSON. I have some questions handed to me which I would like to ask you.

Last winter did or did not your firm interfere with meetings of the unions held outside your door down adjacent to the building?

Mr. GRAFF. I was not associated with our firm last year, and I really do not know.

Mr. THOMPSON. You don't know?

Mr. GRAFF. No, sir.

Mr. THOMPSON. Did they at that time close the doors on the side of a building near the meeting?

Mr. GRAFF. I don't know that.

Mr. THOMPSON. You don't know that?

Mr. GRAFF. I don't know that, either.

Mr. THOMPSON. Did they at that time hurry the girls along and ask them not to stop?

Mr. GRAFF. That I don't know.

Mr. THOMPSON. Did they threaten to arrest the girls individually who were doing the talking?

Mr. GRAFF. That I don't know. That all happened prior to my connection with the firm.

Mr. THOMPSON. That is all.

Commissioner O'CONNELL. I have another question.

If an employee is considered disobedient in one of your member's store, is it taken for granted that that same person is to be considered disobedient in all members' stores?

Mr. GRAFF. Absolutely not. That is a matter of discipline so far as the individual establishment is concerned and is not a reflection upon that person's ability or desirability as an employee in some other establishment. The point is that the employee there might be questioned as to what the disobedience was and the prospective employer satisfied that it was simply a case of being discharged by reason of discipline.

Commissioner O'CONNELL. If an employee were discharged for dishonesty in one store and recorded on the index card at your headquarters, and that information sent to the other members, do you suppose they would take it for granted that he was a dishonest employee?

Mr. GRAFF. In some cases yes, and in some cases no. There have been a great many cases of that kind where it has not made any difference because the employee has explained how it was and how he was innocently brought into it, and made his own statement, and the details are obtained from the previous employer, and that firm determines what action to take in that individual case.

Acting Chairman COMMONS. Is there any further information you have in mind?

Mr. GRAFF. The commission seemed to be interested in mutual benefit associations.

Acting Chairman COMMONS. Yes.

Mr. GRAFF. I have given no testimony on that.

Acting Chairman COMMONS. We would be glad to hear from you on that—anything you may have to say.

Mr. GRAFF. I think our benefit is a little different from that that was formerly in most stores. It always has been a voluntary, and is conducted by a board of directors consisting of employees, many of them holding minor positions. Out of a present list of 3,500 employees we have 2,600 who are members of our voluntary benefit association; and the dues are 25 and 50 cents per month, giving sick benefit of \$6 and \$12 per week and death benefit of \$125 and \$200.

At the present time we have \$80,000 on hand. Mr. Altman left \$50,000 to the employees' benefit association at the time of his death, and prior to that, from time to time, he had given sums of from \$1,000 to \$5,000. So they feel

they are in rather flourishing circumstances. They paid during the first five months of this year in death benefits \$500 and in sick benefits \$600.

Commissioner GARRETSON. It is in reality and not in name a voluntary association?

Mr. GRAFF. Absolutely. I have a copy of the by-laws here. I thought you might be sufficiently interested to have me file a copy with you.

(The document was received and marked "Graff Exhibit 1.")

(Graff Exhibit No. 1, "Constitution and by-laws of the Mutual Benefit Association of the Employees of B. Altman & Co., 1913," was submitted in printed form.)

Commissioner GARRETSON. Nothing is paid from that except sick and death benefits?

Mr. GRAFF. That is all.

Commissioner GARRETSON. The firm does not advertise that they bury the people?

Mr. GRAFF. What is that?

Commissioner GARRETSON. Does the firm advertise that they bury the people?

Mr. GRAFF. We do not do any advertising, nor do we do much talking about our welfare work. We are rather modest about that, but it is constantly in our thought and receiving our constant attention.

Acting Chairman COMMONS. Was there anything else you desired to say?

Mr. GRAFF. The question of hours was one thing that I have not been asked about. I thought it might have been an inadvertence. We open at 9 o'clock and close at 6 o'clock at night, except from June 15 to September 15, when we open at 9 o'clock in the morning and close at 5 o'clock. And during Saturdays in June and September, throughout this period, we give a half holiday, and Saturdays in July and August this year we shall remain closed all day. That, of course, is in addition to the regular vacations to which I testified yesterday.

Commissioner GARRETSON. Are your people required to work any overtime?

Mr. GRAFF. Our women are not, because it would be unlawful to work them overtime, working regularly from 9 to 6 with an hour for luncheon, because it is possibly a quarter or 20 minutes past 6 before they leave, and they have to be at the store probably a quarter to 9 to prepare for opening, and that practically consumed the nine-hour limitation by law.

Commissioner GARRETSON. How about the men?

Mr. GRAFF. At times they are required to work overtime.

Chairman WALSH. And are paid?

Mr. GRAFF. The workroom men, they are paid pro rata of their salary. The regular employees are paid 50 cents supper money, and a very serious and honest effort is made to give them time off for any extra time which they may work.

Commissioner GARRETSON. They are paid supper money and an effort is made to compensate them in time off?

Mr. GRAFF. Yes, sir.

Commissioner GARRETSON. For time extra required in time on?

Mr. GRAFF. Quite right.

Acting Chairman COMMONS. Have you anything further?

Mr. GRAFF. I have nothing further.

Mr. THOMPSON. I would like to ask if the bulletin issued by the Consumers' League of the City of New York and entitled "Vacation Time," if that states the correct time of your vacation hours, etc. [A paper was handed to Mr. Graff.]

Mr. GRAFF. That is not entirely correct. They say Saturday half holiday, June to September, it is only from June 15 to September 15. They are giving us credit for a little more than we are doing. Otherwise it is correct.

TESTIMONY OF MR. WILSON HATCH TUCKER.

Mr. THOMPSON. What is your name?

Mr. TUCKER. Wilson Hatch Tucker.

Mr. THOMPSON. Where do you reside?

Mr. TUCKER. Prospect Terrace, Montclair, N. J.

Mr. THOMPSON. What is your business?

Mr. TUCKER. I am manager of Lord & Taylor's retail.

Mr. THOMPSON. How long have you been manager?

Mr. TUCKER. Since 1910. I was assistant manager before that time for about eight years.

Mr. THOMPSON. How many employees has your firm, male and female?

Mr. TUCKER. About 2,800 at the present time.

Mr. THOMPSON. How many of those are under 16 years of age, if you know?

Mr. TUCKER. I have a little memorandum of that. I did not prepare a memorandum just of that kind. Somebody sent me some questions and I answered those questions in this memorandum.

Mr. THOMPSON. You have not that, then—a statement of those under 16?

Mr. TUCKER. No, sir. I could get it easy enough.

Mr. THOMPSON. Have you any girls under 16?

Mr. TUCKER. Yes, sir. Girls under 16, about 80.

Mr. THOMPSON. About 80?

Mr. TUCKER. Yes, sir.

Mr. THOMPSON. What hour does your store open to the public in the morning, and what hour does it close at night in the summer time?

Mr. TUCKER. Opens 9 o'clock in the morning and closes at 6. In the summer time this year we are going to close at 5 o'clock during July and August, and all day on Saturday.

Mr. THOMPSON. All day Saturday?

Mr. TUCKER. Yes, sir.

Mr. THOMPSON. Are your clerks required to be at the store previous to its opening? And if so, for what length of time?

Mr. TUCKER. They are expected to be there by 9 o'clock.

Mr. THOMPSON. By 9 o'clock?

Mr. TUCKER. Yes, sir.

Mr. THOMPSON. Have you any system of fines for tardiness, or any other measure of that kind?

Mr. TUCKER. No, sir.

Mr. THOMPSON. None whatever?

Mr. TUCKER. None whatever.

Mr. THOMPSON. Do you run your store well without it?

Mr. TUCKER. Yes, sir. Very well without it.

Mr. THOMPSON. Do you have any trouble by not fining the people?

Mr. TUCKER. I think it is a good thing not to. I used to do it and gave it up.

Mr. THOMPSON. What requirements have you with reference to overtime?

Mr. TUCKER. We pay porters and packers 35 cents an hour overtime. Other people we give 50 cents for supper money, but I try to keep the overtime way down. I do not believe in it.

Mr. THOMPSON. Do you find any trouble in conforming to the 54-hour-a-week law for women?

Mr. TUCKER. No trouble at all.

Mr. THOMPSON. What minimum wage have you for women?

Mr. TUCKER. Why, we have a minimum wage of \$9 for saleswomen.

Mr. THOMPSON. Nine dollars for saleswomen?

Mr. TUCKER. Yes, sir. Four dollars for cash girls, \$6 for cashier, and \$4.50 for stock girls.

Mr. THOMPSON. Do you find any trouble in maintaining those minimums?

Mr. TUCKER. None at all.

Mr. THOMPSON. Do you think that it militates against your business?

Mr. TUCKER. No, sir; not against our business.

Mr. THOMPSON. Have you a mutual benefit association?

Mr. TUCKER. Yes, sir.

Mr. THOMPSON. Is there anything you care to state about that, as to how it is run?

Mr. TUCKER. I don't know very much about how it is run. It is run entirely independent by the employees in the store there.

Mr. THOMPSON. Is there any literature in connection with it?

Mr. TUCKER. Yes, sir. I can give you the by-laws of it.

Mr. THOMPSON. If you please. Do you publish any literature in connection with the treatment, the management of your store so far as the employees are concerned?

Mr. TUCKER. No, sir. We used to have a book of rules, but it is about six years ago, and we have not had anything since.

Mr. THOMPSON. Have you a welfare department?

Mr. TUCKER. Yes, sir.

Mr. THOMPSON. Have you any literature in connection with that?

Mr. TUCKER. No, sir; I haven't any at the present time, but I am getting up some.

Mr. THOMPSON. Your store is credited with having the highest minimum wage for saleswomen in this city. Do you know whether that is true or not?

Mr. TUCKER. I don't know whether it is true or not.

Mr. THOMPSON. Do you know of any higher?

Mr. TUCKER. I don't know of any higher; no, sir.

Mr. THOMPSON. Is there anything further that you would like to state in connection with your testimony?

Mr. TUCKER. The only thing I think of that would be of interest to the commission would be the physicians. We require a physical examination, and have three physicians in attendance, two men and one woman and three nurses, trained nurses; and I am a great believer in this kind of work. We have just started it.

Mr. THOMPSON. In regard to the welfare literature, will you send us some of that?

Mr. TUCKER. Yes, sir; I will be very glad to, but it will take some time, because we are just getting it up.

Commissioner O'CONNELL. Will you just explain briefly what the welfare work is that you are carrying on?

Mr. TUCKER. Well, do you want a little description of the building?

Mr. THOMPSON. Yes; the plans.

Mr. TUCKER. On the roof of the building we provided a gymnasium, a very expensive hospital room for eye, ear, nose, and throat work, dentist, chiropodist, and, of course, a lunch room for the employees, and a large roof garden where they can go up and rest, and part of it is set aside where they can have just a quiet time during the middle of the day, and take their books and sewing, whatever they want along with them.

Commissioner LENOX. Do you permit them to have tango dances there?

Mr. TUCKER. No; I do not; I am going to permit them to dance in the gymnasium, but under supervision. At the present time, I have not got that thing fixed.

Commissioner O'CONNELL. Are these services of the physicians and doctors furnished gratis to the employees?

Mr. TUCKER. Yes; it is.

Commissioner O'CONNELL. Do they contribute in any way to the financial support of this welfare work?

Mr. TUCKER. No; except to the mutual benefit association, which is independent.

Commissioner O'CONNELL. You say you furnish three physicians, two males and one female?

Mr. TUCKER. Yes; I do not mean to say they are all there all the time, but they are all in attendance. They visit the homes of the employees. That is a thing I have only started, about a year ago, and it has been found very satisfactory, and I think about 60 per cent of the employees appreciate it at the present time.

Commissioner O'CONNELL. Have you any data or idea at this time as to how many of your employees were given special attention by the doctors?

Mr. TUCKER. Yes; I had the doctor make a report to me. The total number of patients treated for the five months ending June 1, 1914, was 4,435. The total number of visits made to patients at their homes by physicians and nurses ending June 1, 1914, is 645. The average number of applicants whom we did not accept for employment, examined under life insurance methods, was 11½ per cent. I might also add that the food of the employees is under the medical department. I have the medical department look after that to see they get good food.

Commissioner O'CONNELL. Have you any data as to what these 11½ per cent was, the causes, the particular diseases or afflictions?

Mr. TUCKER. No; I do not know; that is left entirely to the physician. That is data, I suppose, I could get for you without very much trouble.

Commissioner O'CONNELL. Well, if you will get it for us.

Mr. TUCKER. Yes; I will.

2368 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

(The information requested was subsequently furnished by Mr. Tucker, and is as follows:)

CAUSE OF REJECTION.

Urine examination	61	Deafness	4
Heart disease	32	Cancer	1
Tuberculosis	20	Discharging ear	1
Deformity	1	Fistula	2
Chronic intestinal indigestion	1		
Bad teeth	1	Total	135
Nasal deformity	1		
Gonorrhea	1	Total examined and accepted	580
Trachoma	2	Total examined and rejected	135
Alcoholic	5		
Extreme nervousness	1	Total applicants examined	715
General appearances	1		

Mr. THOMPSON. It has been asked here, Mr. Tucker, whether you rose from the ranks?

Mr. TUCKER. Well, I rose from the ranks because I started in at the bottom, but my grandfather owned the store in the beginning, and that is possibly the reason I had such good opportunity. And I used that opportunity to good advantage. Therefore, I did rise from the ranks, because he started me in at the bottom, and wanted me to learn the business thoroughly.

Mr. THOMPSON. And I would like also to ask, Mr. Tucker, whether or not the managers usually come up from the ranks?

Mr. TUCKER. In other stores?

Mr. THOMPSON. Well, your department heads in your store?

Mr. TUCKER. Oh, yes.

Mr. THOMPSON. What are your hours of labor?

Mr. TUCKER. My hours of labor?

Mr. THOMPSON. Yes, sir.

Mr. TUCKER. They are from 9 o'clock in the morning until about half past 6 at night, and sometimes a great deal later.

Commissioner GARRETTSON. Mr. Tucker, separating your welfare work into virtually two classes, do you regard proper ventilation and sanitation as philanthropy, or as an obligation properly resting on the employers?

Mr. TUCKER. Both.

Commissioner GARRETTSON. Ventilation and sanitation is a philanthropy, isn't it?

Mr. TUCKER. It is both.

Commissioner GARRETTSON. How?

Mr. TUCKER. Because I think it is a thing that is coming into vogue more than it used to, and I think that it is a very necessary thing that was not appreciated until some people took it up from the philanthropic point of view in the beginning. Now, I think it will become a practical scheme.

Commissioner GARRETTSON. Do you believe that an employer has any right to put his employees in quarters that are not properly ventilated and sanitation provided for?

Mr. TUCKER. No, I do not think he has.

Commissioner GARRETTSON. Then it is a moral obligation on the employer, isn't it?

Mr. TUCKER. Yes.

Commissioner GARRETTSON. Now, for this other phase of it there, I grant you I would put that on a different basis.

Mr. TUCKER. Yes.

Commissioner GARRETTSON. I only wanted to separate those things that provide for decency and humanitarianism and would you consider that the man who furnished only those, the employer, had any right to blow his bugle that he was a philanthropist?

Mr. TUCKER. Well, I think he would be exaggerating a little if he did.

Commissioner GARRETTSON. That is all, Mr. Chairman.

Acting Chairman COMMONS. Do you have a commission system?

Mr. TUCKER. We do not, but we have the so-called p. m.'s in the commission expression. P. m.'s are entirely different from commissions to my mind. We do pay p. m.'s in a great many departments.

Commissioner GARRETSON. Will you explain p. m.'s? None of us had a dry-goods education.

Mr. TUCKER. A p. m. is a commission given on a certain kind of merchandise to interest the sales people in selling it.

Commissioner GARRETSON. Really a bonus system applied to certain things?

Mr. TUCKER. Really a bonus system applied to certain things. It is a system that, I might say, is dying out in our store, because I believe in a straight salary as a theory.

Acting Chairman COMMONS. Then besides that there is nothing that would be called a commission on sales?

Mr. TUCKER. No; not that I would term a commission on sales. We have in two departments—we have got two departments in which we give people a percentage on their sales. To my mind it is exactly the same thing as a straight salary. A straight salary is the thing I believe in thoroughly.

Acting Chairman COMMONS. You are inclined to do away with all commissions or anything of that kind and get to the straight salary?

Mr. TUCKER. Personally, that is my view.

Acting Chairman COMMONS. And you find that that furnishes as great inducement to the sales people to push sales as when you have a commission or a p. m. system?

Mr. TUCKER. My opinion of it is that it does.

Acting Chairman COMMONS. You must exercise some other inducement then besides—

Mr. TUCKER (interrupting). No; I don't think so. I believe if you get the sales people interested in the work and get their heart in the right place, they will work just as hard without offering them a prize.

Acting Chairman COMMONS. Well, you appear to have some very good methods of collection of your staff then, do you not, or probably the high salaries that you pay gives you a high-grade staff that does not need monetary or physical inducements?

Mr. TUCKER. Well, I try to do the selecting of all the staff myself. I have an assistant, termed the "superintendent," who, at the present time, has been doing most of that because I have been occupied in the new building, but ordinarily I try to do it all myself.

Acting Chairman COMMONS. What were the wages paid five years ago, or back as far as you have recollection, compared with what they are now, these figures that you have given us? I mean to get what has been the increase in wages, and also the reduction in hours?

Mr. TUCKER. Making a rough guess in wages I would say that there has been an increase of 15 or 20 per cent, but I am only guessing at that.

Acting Chairman COMMONS. In 10 years?

Mr. TUCKER. Yes, sir; I should think so.

Acting Chairman COMMONS. How about the reduction in hours?

Mr. TUCKER. The reduction of hours. We used to open at 8 o'clock, we thought it was a little too early, and we opened at 8:30, and that ran along for a number of years, finally we came to the conclusion that 9 o'clock was time enough, so we opened at 9 o'clock just about a year ago, and have been doing that ever since.

Acting Chairman COMMONS. Then, this Saturday vacation starts in this summer?

Mr. TUCKER. Yes; starts in this summer. The closing all day Saturday starts this summer—that is, during July and August.

Acting Chairman COMMONS. So, during the 10 years you have been gradually reducing the work?

Mr. TUCKER. Yes.

Acting Chairman COMMONS. Was your commission system or p. m. system quite prevalent 10 years ago?

Mr. TUCKER. No; it never has been very prevalent.

Acting Chairman COMMONS. During the holiday season or other periods during the year, there are times when you largely increase the number of employees? There are several hundreds, I judge, in the holidays?

Mr. TUCKER. You mean an increase of several hundreds?

Acting Chairman COMMONS. In the employees?

Mr. TUCKER. We do not increase very greatly at the holiday season. Of course, we do increase.

Commissioner O'CONNELL. What method have you adopted, then, in selecting the help? Do they pass physical examinations at all?

Mr. TUCKER. I am glad you brought that up. We do not require physical examination unless an individual wants to stay there, or we want an individual to stay there after a period of 30 days. That gives us an opportunity to see whether—

Commissioner O'CONNELL (interrupting). Temporary employment?

Mr. TUCKER. Yes, temporary employment.

Commissioner O'CONNELL. Do you have any lines of discrimination against employees on the basis of nationality or race?

Mr. TUCKER. No.

Mr. THOMPSON. Is your store a part of the Clafin stores?

Mr. TUCKER. I don't know just what you mean by that. The United Dry Goods Co. are stockholders in it.

Mr. THOMPSON. Is your store connected with the Clafin chain of stores?

Mr. TUCKER. As stockholders we are connected with them, yes.

Mr. THOMPSON. Do they have any say in the running of your store?

Mr. TUCKER. No.

Mr. THOMPSON. None whatever?

Mr. TUCKER. No.

Mr. THOMPSON. You are stockholders in that chain?

Mr. TUCKER. The United Dry Goods Co. are stockholders in Lord & Taylor's.

Mr. THOMPSON. And the United Dry Goods Co. is the owner or runner of the Clafin line of stores?

Mr. TUCKER. Well, now, so far as I know. I am not very familiar with that. I simply know them as stockholders, and Mr. Stewart of our board of directors.

Mr. THOMPSON. That is all.

TESTIMONY OF MISS NELLIE SWARTZ.

Mr. THOMPSON. Will you give us your name, your address, and your occupation?

Miss SWARTZ. Nellie Swartz, 77 Irving Place; occupation, executive secretary of the Consumers' League, New York City.

Mr. THOMPSON. Will you speak just a little bit louder so they can hear what you say?

How long ago was the Consumers' League organized, if you know?

Miss SWARTZ. About 25 years ago.

Mr. THOMPSON. What is the object and purpose of its organization?

Miss SWARTZ. The Consumers' League is a voluntary organization of consumers, whose aim is, through public opinion and public sentiment, to improve industrial conditions among women and children.

Mr. THOMPSON. Has it got a printed constitution and by-laws?

Miss SWARTZ. Yes, it has.

Mr. THOMPSON. Would you be willing to furnish a copy of it?

Miss SWARTZ. Yes; I would be very glad; I have it here.

(Received and marked "Swartz's Exhibit No. 1, June 12, 1914." The exhibit was submitted in printed form.)

Mr. THOMPSON. What is the membership of the consumers' league?

Miss SWARTZ. About 3,000.

Mr. THOMPSON. Where is its membership located generally?

Miss SWARTZ. Located in Greater New York.

Mr. THOMPSON. Entirely in Greater New York?

Miss SWARTZ. Not entirely; the suburbs. We come from White Plains.

Mr. THOMPSON. In other words, it does not extend to Chicago or any other place?

Miss SWARTZ. No; that is covered by the National Consumers' League.

Mr. THOMPSON. Then it is part of the national organization?

Miss SWARTZ. Yes.

Mr. THOMPSON. The national organization has branches in most of the larger cities and various States?

Miss SWARTZ. Yes; has branches in the larger cities and the different States.

Mr. THOMPSON. In other words, it is a sort of a subordinate local, as it were, of the international?

Miss SWARTZ. Yes.

Mr. THOMPSON. Has your league here, the New York branch, made an investigation of department-store clerks?

Miss SWARTZ. We have made a very recent investigation of the conditions, particularly in the smaller and neighborhood department stores, and that

matter has not been discussed at this hearing, and I should like to give you, if I may, the information which we have gathered, of the hours in the smaller neighborhood department stores.

Mr. THOMPSON. Have you got that briefly there? You might give it as briefly as you will?

Miss SWARTZ. These stores include stores where girls are employed, where there are some 10 to 50 girls employed. In the smaller neighborhood stores. We took up this situation, if I might preface my remarks, to see how they were complying with the 54-hour law. A study was made of 23 stores selected at random, and we found, first, that many of the stores, I think 13 of them, were conforming to the 54-hour law, and that these stores, some of them, for the sake of their trade, felt that they must keep open Saturday nights, but they were arranging their clerks in shifts, so that some of the girls could have a morning or an afternoon off a week. They were conforming to the law.

One of these stores we found violated the 54-hour law. The testimony is secured from the girls themselves. In each store we interview over three girls, so that we got the same opinions from each girl. One of these stores the girls are working 77 hours a week; another 75; another 69; another 67; another 66; one 58; and two 57; and one 56; and one about 55, making 10 stores that were violating the 54-hour law, according to our judgment. And we have reported these to the department of labor, and I might say a word, too, about the vacation policy of these stores.

We found that 15 out of the 23 of these stores were either not giving vacations at all or giving them without pay.

Mr. THOMPSON. What did your organization do with reference to the stores that you find conforming to the law and the stores you find who do not conform to the law, or who do not give such working conditions as you believe should exist, not with reference to State or governmental matters, but with reference to your individual work?

Miss SWARTZ. We publish from time to time, and I would be glad to file this with the commission, what we call the facts about the retail stores, and we urge the public not to patronize the stores where conditions are bad.

Mr. THOMPSON. Will you file those with the commission?

Miss SWARTZ. I will be very glad to.

(Received and marked "Swartz's Exhibit No. 2.")

(The witness here submitted a printed pamphlet entitled, "Vacation Time Bulletin on Summer Conditions in Retail Stores, May 25, 1914, issued by the Consumers' League of the city of New York.")

Mr. THOMPSON. You have spoken with reference to these smaller stores, which you have investigated, concerning the observance of the 54-hour-a-week law. Have you anything further to say with reference to the enforcement of that law and the observance of it by the principal stores here?

Miss SWARTZ. I want to say the enforcement of the 54-hour law is very difficult and unsatisfactory, and will remain so until the mercantile law contains the same provision for the posting of hours that is contained in the factory law. That is, section 77 of the factory law makes it compulsory that the owners or managers of factories post in a conspicuous place schedules showing the exact time and hour for each employee for every hour of the week. It is very difficult for the mercantile inspectors to enforce the mercantile law until that provision is made.

Then, again, we have only 21 mercantile inspectors for the State of New York, which is a very inadequate number.

Mr. THOMPSON. Does overtime exist in the stores, so far as your investigation has gone, in this city?

Miss SWARTZ. In these stores I have just mentioned?

Mr. THOMPSON. And the larger stores?

Miss SWARTZ. I would like to give a report of the overtime work at Christmas time.

Mr. THOMPSON. You may do so.

Miss SWARTZ. Last Christmas this is. We found last Christmas time that 24 stores in New York closed to the public at 6 o'clock, and that one store closed at 7, and that three remained open until 10. The hours of the other stores, which we are able to investigate closed at varying hours, and the hours ran something like this: 6.45, 6.10—

Mr. THOMPSON (interrupting). Just a minute. In referring to these first stores that you have named by numbers, were they the largest stores, or the larger class of stores?

Miss SWARTZ. Yes; the larger department stores.

Mr. THOMPSON. Now, the stores that you are just going to refer to, are they the larger class stores?

Miss SWARTZ. Some of them are the larger class.

Mr. THOMPSON. You can not state which?

Miss SWARTZ. I can not state. I will be glad to file this with the commission. It gives some of the data.

Mr. THOMPSON. And could you give us any more detail with reference to the larger stores later on?

Miss SWARTZ. Yes; I can. The other stores, the closing hours was about 10, 10.10, 10.15, 10.20, 10.15, 10.30. That is the week before Christmas. The week before Christmas was exempt in the department stores, if you remember, in the law. And then it ran 10.15, 10.30, 10.20, 10.50, 10.40, and the night before Christmas till 11.30, 10.10, 10.15, 10.25, 10.15, night before Christmas until 11.20; 6.45, 10.15, 10.30, 10.50, 10, 10, 10.30, the night before Christmas also. Those were the closing hours of the store, when the store would close to the public.

Mr. THOMPSON. Have you made any study of the physical effect of long hours on the workers?

Miss SWARTZ. The consumers' league have taken the testimony of eminent physicians, both in England and America, who have studied the short working day for women, and they have testified that women standing for many hours a day results in physical strain, especially to the arches of the feet, often causing fallen arches, and to the spine, and girls between 14 and 18 pelvic trouble and serious effects after marriage.

Mr. THOMPSON. Have you got this printed or in written form?

Miss SWARTZ. I have it printed.

Mr. THOMPSON. Would you be willing to file it?

Miss SWARTZ. Very glad to; yes.

Mr. THOMPSON. To what extent is the law requiring seats to be supplied employees affected in this city, if you know?

Miss SWARTZ. In justice to the merchants, I have found that in the majority of the stores seats are provided for the girls, but they are discouraged by the floorwalkers and heads of departments from using them. That fact has all been brought out in the testimony before the factory investigating commission.

It has been our experience it is discouraged by the floorwalkers and heads of departments from using the seats.

Mr. THOMPSON. Have you made any investigation of the ventilation of the department stores in this city?

Miss SWARTZ. We have not, although we get a great many complaints, both from patrons and employees, of the ventilation, particularly in the basements and subbasements, and it is a question that experts disagree on, and I think it ought to be given careful consideration. Some of our members go so far as to say that the employment of people underground should be prohibited.

Mr. THOMPSON. You made no report on that subject?

Miss SWARTZ. No, sir; I have not.

Mr. THOMPSON. Have you made any investigation of the extent of fire protection and the possibility and the effect of a panic?

Miss SWARTZ. The consumers' league feels that the fire hazards in department stores are particularly great for three reasons: First, because of the large open floor space in the store, second, the exposure of so much inflammable goods; and third, the impossibility of discipline among the thousands of customers that might be shut in there. The legislation for fire protection in department stores lags way behind that in factories.

Mr. THOMPSON. Has your league taken this up with the store proprietors?

Miss SWARTZ. We never have done that.

Mr. THOMPSON. Never have?

Miss SWARTZ. They may—

Mr. THOMPSON (interrupting). Have you made any report on that subject and published it?

Miss SWARTZ. No; we have not. The committee on safety has made a report.

Mr. THOMPSON. What is the attitude of your league toward the union of retail clerks as a means of bettering conditions?

Miss SWARTZ. Well, as I stated, the consumers' league approaches this subject from a different angle than the organization; workers are approached from the organization of the public, and of consumers. But we are, of course,

very much interested in any organization that would help better the conditions of the workers. Some of our members, individual members of the league, are very much interested in it.

Mr. THOMPSON. Have you any opinion as to whether, in the case of such laws as the 54-hour-a-week law, the mutual benefit law, or any other laws that might be passed dealing with stores, these laws could be better enforced by State factory inspectors or by an organization of the employees?

Miss SWARTZ. I think the organization of employees could help it materially.

Mr. THOMPSON. Are you the Swartz referred to by Mr. Schwartz on the stand yesterday?

Miss SWARTZ. I am.

Mr. THOMPSON. Accompanied him on the visit to the Bloomingdale's store?

Miss SWARTZ. Yes, sir.

Mr. THOMPSON. Have you anything to say differently from what he said with reference to what you found there?

Miss SWARTZ. I differ with Mr. Schwartz on two statements which he made: One in regard to the opening in the toilet on the fifth floor. I went in there, and, as I recall it—as I remember Mr. Schwartz's testimony, he testified that that opening was 24 by 36 inches and 5 or 6 feet from the floor. Now, as I recall that opening, it is a narrow opening, probably 12 inches long and 2 or 3 inches wide, and it is at the top where the partition joins onto the ceiling. It apparently exists because there was a pipe running from one toilet to the other.

Mr. THOMPSON. Well, how high was the opening from the bottom of the floor?

Miss SWARTZ. Well, I should say about 12 feet, though I admit I am not very good on distances. It would not be possible to look through as Mr. Schwartz has testified.

Mr. THOMPSON. Any other statement in that regard?

Miss SWARTZ. No, sir.

Mr. THOMPSON. Is there any statement you would like to make of any kind?

Miss SWARTZ. No, sir.

Acting Chairman COMMONS. We are much obliged to you, Miss Swartz.

Mr. THOMPSON. Mr. Gernon.

TESTIMONY OF MR. JAMES L. GERNON.

Mr. THOMPSON. Mr. Gernon, give us your address and position, though I think you have done that before.

Mr. GERNON. James L. Gernon, chief mercantile inspector; business office, No. 381 Fourth Avenue.

Mr. THOMPSON. Mr. Gernon, referring to the 54-hour-a-week law for women, will you say generally that that is effective in department stores and other stores in New York City?

Mr. GERNON. No. You must bear in mind that the 54-hour law was just recently enacted and was signed by the governor on either the 14th or the 16th day of April. This act took effect immediately—quite different from all previous acts which gave from the time the bill was signed until the following October in which to go into force. This year it went into effect immediately and until yesterday we did not have the printed copies of the law to give information to any employer as to what the law really was.

Mr. THOMPSON. In your opinion, Mr. Gernon, would it be difficult to ascertain the hours of women and children labor in department stores as now managed?

Mr. GERNON. Before I answer that I would like, upon my own information, to ascertain what you call a department store.

Mr. THOMPSON. Well, take these stores who are members of the retail dry goods association.

Mr. GERNON. Well, but they are not the only department stores. The term "department store," from our experience, is a very broad one. Almost every drug store in this city is a department store. Every 5 and 10 cent store and every 3 and 9 cent store is a department store. And when you come down to the average small store with a small number of employees, it is a department store, because in the development of the present day selling space is valuable. Therefore, they will sell shoes, corsets, clocks, suits, gowns, and everything in a small store 25 by 100 feet. And, personally, from the statement here I can not tell what character of store I am to testify on. If you mean just what de-

partment stores that are members of the retail merchants' organization, maybe I can ----

Mr. THOMPSON (interrupting). Maybe I can help you—assuming the word department is dropped from the statement you have—the law relates to all stores, does it not?

Mr. GERSON. Yes. That clears the situation considerably.

Mr. THOMPSON. Now, take it with reference to all stores, would it be difficult to ascertain the hours of labor of women and children employed in these stores?

Mr. GERSON. Not if we had the kind of law I have asked for for the last five years.

Mr. THOMPSON. That is what I want to get at. I understood you had some suggestion in that regard. What amendment do you suggest?

Mr. GERSON. We would require the posting of hours the same as in a factory. You must remember this law says 9 hours a day, but you can permit them to work more. The employee can legally work during the period from 7 o'clock in the morning until 10 o'clock at night, a period of 15 hours, and it provides that should the employee work a greater number of hours a day the aggregate time must be taken from some day in the week, so, as a matter of enforcement of the law, the inspector must prove that he worked more than 9 hours a day, which is impossible, unless he observes that employee working more than the 9-hour day.

Mr. THOMPSON. Well, in your opinion, from that very fact, Mr. Gerson, the regulation of the law as written and as proposed would necessarily be very difficult by a State labor department, would it not?

Mr. GERSON. Yes, sir. This present law imposes difficulties—it is not any more difficult than it was to enforce the 60-hour law. The laws were the same, except with the exception of the change from 10 hours a day to 9 hours a day.

Mr. THOMPSON. This question has not been presented to you, but I will ask you now, Do you think the organization of the employees of a store could better bring about an enforcement of the law having the details of that law?

Mr. GERSON. I say no, and I say that as a member of an organization. In our six years' experience we have yet to receive the support of one employee in any character of store in the State of New York. We have gone so far—in the beginning we went so far as to subpoena them, but now we take their affidavit as to the hours; and in the beginning of the enforcement of this law in 1908, when we took these affidavits, naturally the employee testified for the employer and contradicted everything in the affidavit. So that, as a matter of justice to the employee, we stopped that method of procedure.

Mr. THOMPSON. Were these employees organized in a union?

Mr. GERSON. No, sir; not that I know of, at that time.

Mr. THOMPSON. Well, taking the question—supposing in any of these stores, or in any of the incidents that you speak of, the employees had been organized into a union, as you understand—as your organization is—do you think that would be effective in helping to carry out the law?

Mr. GERSON. No; not as effective as a proper law and proper enforcement through a sufficient number of inspectors. I ought to say this, in justice to the merchants, I am talking now of the merchants in general—since the enactment of this 54-hour law probably our busiest time of any part of the day is answering the phone as to inquiries relative to this law. They saw from the newspapers that the law had been enacted. Now, at the present time we enforce this law in first and second class cities. If this law, or our enforcement of it, or supervision of it, extended all over the city it would be a better proposition, although we would have a great deal more responsibility than we have at the present time. We have more responsibility now than we have force with which to do the work; but the average decent merchant will comply with this law simply because it is a law. There are such classes that have difficulties and naturally must have some overtime. Even with that they can comply with this law if we had the added features of posting the hours, and they could not evade it very well.

For the benefit of the commission I would like to say that should a factory inspector walk into a factory and find the employees working other than the hours posted, he simply takes the notice from the wall, makes a copy of it, puts the copy on the wall, and takes the original into court, and the law says that is *prima facie* evidence.

Mr. THOMPSON. Concerning the laws relating to sanitation and ventilation, what have you to say as to their enforcement?

Mr. GERON. The ventilation is very bad in general. The better classes of stores, of course, try to cure this. The nature of the business makes it a hard matter and makes it difficult to govern ventilation. They have a large number of people coming in there different days, such as a rainy day, which makes it more difficult to ventilate the place than other days. I have reported in the past on ventilation. This year they have changed the law. The industrial board can now set a standard. In the past the trouble has been that we had no standard of ventilation, so that when we attempted to prosecute for insufficient ventilation, the question arose as to who was right—whether the inspector was right or the firm. There being no standard of ventilation we could do nothing. Now, the industrial board can fix upon a standard and the merchant will have to comply with that standard; and the law previous to the present time only affected the basements. Now it affects all parts of the premises.

Mr. THOMPSON. With reference to sanitation?

Mr. GERON. The sanitation in the large stores is good; in the smaller stores bad. We probably—I could give you—we issued about 4,500 orders with nine inspectors relative to the sanitation in stores last year.

Mr. THOMPSON. What would you say with reference to the law relating to minors under 16 years of age being observed?

Mr. GERON. In the larger stores it is strictly complied with at the present time. There is always a possibility of a child lying to the employer and of it being found out. But—we are talking now—I presume you are asking the question in relation to the department stores such as most of the testimony here given relates to. I don't think any of the larger stores will take any chance in not complying with that law.

Mr. THOMPSON. How about the other stores?

Mr. GERON. Well, there is a large percentage of improvement this year. I found that 51 per cent of former years and in the five years it has been reduced to about 11 per cent and I think that is almost proof positive of a better condition in that regard. But I want to say in regard to that that we have only eight or nine inspectors, and you must bear in mind with this present force we can not cover the stores that come under our jurisdiction in five years. I feel now probably we have covered them all—but I may be wrong about that—not being able to do it in a systematic manner, or able to complete it within one year.

Mr. THOMPSON. What suggestion have you to make in that connection? I think before when you were testifying in connection with the investigation of the subject of child labor that you stated that you ought to have many more inspectors to cover the offices. How many would it take in New York City to cover both stores and offices?

Mr. GERON. You mean in New York City or in the nine cities we have under our jurisdiction?

Mr. THOMPSON. In New York City.

Mr. GERON. We would need at least 50 inspectors to do the work properly in New York City—in Greater New York.

Mr. THOMPSON. And how many have you?

Mr. GERON. We have 20 inspectors for the nine cities. You must bear in mind with the 20 inspectors we have to enforce the day-of-rest law throughout the State. That is operative in every place throughout the State, but the mercantile law we are required to enforce only in the first and second class cities; and in other cities it comes under the jurisdiction of the health authorities.

Mr. THOMPSON. Is there anything else you would like to state for the benefit of the commission. Do you find that child labor is decreasing in the stores?

Mr. GERON. Oh, it is decreasing; no question about that.

Mr. THOMPSON. I rather took that from your previous statement.

Mr. GERON. I would like to say that the percentages that we show, what would be the result were we able to cover all the places in one year—whether that percentage would be higher or not I can't say. We might find, if we covered them all in one year's time, we might find that we had about the same average. I don't know.

Mr. THOMPSON. Is there anything further you would like to say?

Mr. GERON. I was here yesterday for a while and there was some testimony that was just not right. For instance, the question of the 54-hour law—I think I have explained that. An employee can work more than 9 hours a day, but they can not work more than a total of 54 hours a week. If they

work more than nine hours a day that time must be deducted from some one day of the week. Now, I believe the commissioner of labor will correct this, because he is ready to assume the responsibility of requiring the posting of a notice. We believe we have that authority under the industrial board. If we get that, if either by the legislature or by the industrial board, we can have that posting of notice of the hours of labor, we can very easily remedy the question of excessive hours. It was testified here yesterday by an officer of the union that the noon meal was one hour. The law is 15 minutes. The law was amended this year giving power to reduce that, which personally I am opposed to. I think the noon hour—particularly when we hear so much of the welfare work and because there is a possibility for some of the welfare work in these stores—the noon meal should be at least one hour and nothing else. I think in view of the sanitation of the place—that is, the general air conditions even where they try to maintain a good standard—the air will become such that at least an hour or part of that time to get into the open air would not do the employee a bit of harm. It was testified that in Bloomingdale's the porters were rushed off for seats. Probably there is no section of the law we have had as much difficulty with as we have had with seats. The stores are complying with the seat law. The law is rather defective, because it does not specify what kind of a seat shall be supplied. I asked several times that the law be changed in that respect. Anything is a seat under the law; a box is a seat. When they use a portable seat, sometimes the employees change them, an employee will go behind some other employee's counter and take the seat away, or maybe shove it under a counter, and it may be taken away by the persons who clean the store, so that even where the policy of the firm is to provide a sufficient number of seats, occasionally we will find that there is not a sufficient number. Then again it is the case that behind the counter ordinarily three people are required, and the law requires one seat, and yet there may be a sale the very next day and there will be six people behind there, and whoever is responsible for that floor has failed to pick up a seat and put it there. We have suggested, as a matter of administration, to all the store superintendents, that they charge the responsibility for complying with the seat problem with the individual floor man who has charge of that particular stock.

With that in that way, we will put the responsibility on some one else who can see it, because the oldest stores are large, and it is almost impossible for one man to supervise the whole institution; as far as it requires the number of seats, I think the law is complied with.

We have prosecuted in many cases for failure to provide seats, and the courts have done much better on that section of the law by imposing penalties than they have in some others. We have had fines as high as \$50 for failure to provide seats. But when it comes to the use of seats it is a very difficult problem. I might say in this connection that I have recommended that a seat be provided for male as well as female employees. In the present day we find a very large percentage of the men who have broken arches, some of them are ruptured, and have varicose veins, and other ailments, and it is just as essential for men to have seats, in my judgment, as it is for the women.

The policy in some of the stores is to permit the employees to use the seats. But a particular buyer may think it looks better for his employees in that particular store to stand up, and we have had the proposition put up to us to prosecute the individual buyer, but this law says that we must prosecute the employer. And as a matter of enforcement, we desire to hold the firm, because we believe that when we hold the firm, you are apt to get a better enforcement of the law than if you hold some subordinate.

It might be possible, as was described yesterday, that an inspector would go into a place and there would be an extraordinary hustle to get seats. You must bear in mind those stores are very large, and as soon as he puts his foot in them, he is not all over them by any means. It takes an inspector from two to three days to inspect those storers, particularly the stores which have a large number of children, to examine the certificates. In no case can the employer be notified that an inspector is coming there. If anybody can demonstrate that to the division the inspector will lose his position very quickly. I do not think there ever was an instance of that kind occurred, but it might be possible that after the inspector reaches the place and they realized they were short on seats some place, they might hustle around and get some.

There was some testimony yesterday about a closet in Bloomingdale's. I noticed this morning Miss Swartz did not agree with Mr. Schwartz, who testified yesterday. When that complaint was made, owing to the nature of it, I

made up my mind that I would investigate it personally, and I don't think Mr. Schwartz was hardly out of the building until I was on the cars going to Bloomingdale's and while there was a condition such as he described, it was not a violation of the law, and it was not anything like the condition as it would be described.

For instance, on the fifth floor they have a closet, a male and female closet adjoining. Under our new regulations by the industrial board, this closet would have to be changed, because it would not be in conformity with the regulations, but under the law at that time it was clearly within the law.

Now, what they did, in order to get ventilation, they ran the partition between those two closets to a window and divided the window in two, so that you walked into the men's closet—and I was in both of them—I was not as modest as Mr. Schwartz, I was in both of the closets and saw the actual condition.

As you walked into the men's closet you had to open the window for the purpose of ventilation. As you went into the women's closet, 1 foot away from the window, they had built a cross partition from the window over 24 to 36 inches, and they had a swinging door. If you went into the men's closet and worked real hard you might get your head around that partition. If you opened the window you could get your head around the partition, but as you got your head around the partition you couldn't see into the women's closet because of this cross partition.

A part of the complaint said that you could hear the conversation between the two closets. That was very likely; but that was not prohibited by law.

Now, the closet in the basement was somewhat different. I think it is necessary to make this explanation in justice to the firm. I told Mr. Schwartz at the time that I did not believe any dry-goods concern of that magnitude would permit a thing of that kind to exist if it was as objectionable as he had described it. In the basement closet, while the approaches were not together at all, they were fully 25 feet from one another, still the closets were adjoining—that is, as you went into the men's closet there was a partition—and up near the ceiling they had built an opening so as to ventilate. The ventilation went from the women's closet, nearer to the sidewalk nearer to the air, and that took it from the men's closet through the women's closet to the outer air; they had taken this opening and built a shelf, but it was impossible for anybody to get up there without difficulty—to look from one to the other—and when you did you could not see anything in the women's closet. I took it, it trouble so as to satisfy myself personally, and to see that that condition did not exist. Still that was the condition—just as described. I do not want to say that Mr. Schwartz did not describe the condition as it existed, but it was not as bad as it seemed. It was possible in both closets to hear the people, two people, one talking to the other. I don't think I have anything else to say.

Acting Chairman COMMONS. Are there any questions?

(No response.)

Acting Chairman COMMONS. We are much obliged to you.

Mr. Thompson, call your next witness.

TESTIMONY OF MR. PERCY S. STRAUS.

Mr. THOMPSON. Will you give us your name?

Mr. STRAUS. Percy S. Straus.

Mr. THOMPSON. Your address?

Mr. STRAUS. Business address, No. 1370 Broadway.

Mr. THOMPSON. What is your business?

Mr. STRAUS. Department-store manager.

Mr. THOMPSON. Manager of the store?

Mr. STRAUS. Yes, sir; one of the departments in the store.

Mr. THOMPSON. How long have you been a manager?

Mr. STRAUS. I suppose manager is hardly the proper name. I have been one of the partners for several years.

Mr. THOMPSON. Are you a member of the retail dry goods' association?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. In your store, upon what basis are the wages of the sales people?

Mr. STRAUS. They are established, in the first place, by agreements between the sales person and the employment manager, the man who employs them.

That is the way they are established in the first place. In other words, in our application blank for employment, one of which I have here, if it is of any interest to you, the person is asked to put down the salary they expect, and we find it is more often necessary to increase that, because we have a minimum below which we will not employ people, than to decrease it. In fact, we do not decrease it.

Mr. THOMPSON. What is your minimum?

Mr. STRAUS. We have a minimum to this effect.

Mr. THOMPSON. For saleswomen?

Mr. STRAUS. We have no saleswomen whose salary without commission is less than \$6.

Mr. THOMPSON. Without commission?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. So \$6 is really your minimum?

Mr. STRAUS. Because no saleswoman who can not earn a commission can not keep her position.

Mr. THOMPSON. Then you pay a commission above the regular wage?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. What is the form and the method, or rather what are the rules and provisions for the payment of this commission?

Mr. STRAUS. If you want me to go into it thoroughly, it will take some time. I think we were the first ones to establish this method of giving commissions. We arrived at it in this way: For a long time we had been trying to find some method of giving the sales persons, as well as other employees, a definite interest in their activities, so that in proportion to their efforts they would have return; and after a great deal of consideration we made up our minds the best way we could do it would be by a form of commission. In order to determine what that commission should be we averaged the selling expense, which means the proportion between the total sales made in the department and the total sales of that department for each month for each department for a period of five years.

So that we will say department 1, we had a certain percentage average for January, for February, for March, and each month of the year. We determined on doing it monthly, because naturally with increasing opportunities in certain months, with decreasing opportunities in other months, if we had had a definite single scale there would have been many months in the year when an employee could not have earned the commission, and our purpose was to arrange it so that a commission could be earned month by month.

Having established this average we took the salaries, then—those averages, of course, as they were established were in fractions. We in each case took the percentage average and placed it at the next higher quarter. In other words, if in one department it was $3\frac{1}{4}$ we made it $3\frac{1}{2}$; if it was $3\frac{3}{4}$ we made it $3\frac{1}{2}$, because it is too difficult a matter to figure percentages on a smaller basis than one-quarter. Then we allowed the salaries to remain as they were calculated for each employee, and each department for each month what that employee would have to sell in order to earn the salary given. On all sales beyond that average a percentage is paid. That percentage being uniform in all departments.

Mr. THOMPSON. And that percentage—is it on the same basis of figuring what he should earn?

Mr. STRAUS. No, sir; that percentage on the supersales, if you want to call them so, is the same for the entire store for every department.

Mr. THOMPSON. With reference to the average of requirements to earn the regular wage, you say some cases $3\frac{1}{4}$, some cases $3\frac{1}{2}$ —

Mr. STRAUS. Yes; it varies.

Mr. THOMPSON. Take the average of that; how will the average commission on supersales compare with the average—

Mr. STRAUS. I should say it would be less.

Mr. THOMPSON. It would be less?

Mr. STRAUS. I am sure it would be less, because the average on supersales is 2 per cent. We considered that very carefully. Of course, each department must naturally have a selling expense of a certain size. It must not go above that certain percentage and should not go below a certain percentage.

Mr. THOMPSON. Now, with reference to the adjustment of those to the individual in the department.

Mr. STRAUS. That is very simple. For instance, in a 3 per cent department, if we average it—for the sake of argument, a girl earning \$9 a week, would

have to sell \$300 a week. A girl earning \$6 a week as a regular salary would have to sell \$200 a week. Both girls, the girl receiving in the first instance a salary of \$6 per week and the girl receiving \$9 a week, if they both sell the same amount, over \$300 a week, would receive the same salary. If the \$9 girl sold less than \$30 a week, she would—her selling expense would be more than the average.

Mr. THOMPSON. Take the case of a girl whose wages were \$9 a week in that 3 per cent department. She must sell—

Mr. STRAUS. Three hundred dollars worth.

Mr. THOMPSON. Three hundred dollars worth?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. A girl whose salary is \$6 a week must sell \$200 worth?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. If she sells that additional \$300 her salary would be \$8, whereas the salary of the other girl would be \$9?

Mr. STRAUS. That is true. I don't know that it ever came to me just that way before, but it is true, and there is a definite reason for that.

Mr. THOMPSON. Then there is another question. The girl who is getting \$6 and performs or creates supersales, perhaps ought to have a little more credit, if there is any more credit, over the two, over the girl who is guaranteed \$9 and makes only \$300 in sales?

Mr. STRAUS. Yes; and if the girl has shown her increased earning capacity by earning a commission for a certain length of time, not definitely, she is given that increased earning power as a definite salary, so that in the end, in the long run, it is taken care of, it takes care of itself. It is difficult to have all the small gradations cared for as strict justice would require.

Mr. THOMPSON. Might it not be done by taking the maximum salary you pay in the 3 per cent department and then say that any girl who, during the week, comes up to the maximum of sales, shall receive the maximum and beyond that the 2 per cent?

Mr. STRAUS. No. Even there you would have some small gradations. There are various salaries below the highest. We will say one girl gets \$6, the other \$8, and another \$9. The girl getting six you will say she would get the maximum of salary, and above that 2 per cent commission, if she sold as much as the \$8 girl would have to sell, she would not get the full \$8 for the simple reason she would not have gotten the \$9 in the former case. It is very difficult to adjust.

Mr. THOMPSON. I think it would be easy, personally.

Mr. STRAUS. In the second case it would be just as unequal as you mention in the first.

Mr. THOMPSON. I think in any case it would apply automatically.

Mr. STRAUS. Actually, it would not.

Mr. THOMPSON. I am not trying to invent a new system.

Mr. STRAUS. I wish you would.

Mr. THOMPSON. What is the largest group of employees?

Mr. STRAUS. Sales people.

Mr. THOMPSON. How many of those are men, if you know, or how many are women?

Mr. STRAUS. There are 319 men and 1,058 women.

Mr. THOMPSON. How many of those women are over 16?

Mr. STRAUS. All. I might say there are various questions; we have only six people in the store under 16, and those are boys.

Mr. THOMPSON. How many of the men are over 18?

Mr. STRAUS. How many men? I don't think I have that.

Mr. THOMPSON. How many employees are over 18, if you have that?

Mr. STRAUS. All of the selling people are 18; our sales people are all 18.

Mr. THOMPSON. All sales people are 18?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. How many sales people receive \$9 a week, or men receive more than \$9 a week?

Mr. STRAUS. Five hundred and twenty-eight.

Mr. THOMPSON. Does that include the \$9 a week, \$9 and over?

Mr. STRAUS. \$9 and above.

Mr. THOMPSON. How many girls, women over 18, earn less than \$9 a week, including commissions?

Mr. STRAUS. Three hundred and seventy.

Mr. THOMPSON. How many saleswomen over 18 earn less than \$8 a week, including commissions?

Mr. STRAUS. One hundred and ninety-four.

Mr. THOMPSON. One hundred and ninety-four?

Mr. STRAUS. Yes, sir; those are usually the newer sales people; those who have come to us lately.

Mr. THOMPSON. Are there any saleswomen over 18 of three years' experience as saleswomen still earning less than \$9, counting commissions?

Mr. STRAUS. One hundred and seventeen.

Mr. THOMPSON. Less than \$8?

Mr. STRAUS. Fifty-two.

Mr. THOMPSON. Taking the second largest group, the clerical force, how many women over 18 earn more than \$9?

Mr. STRAUS. One hundred and twenty-five.

Mr. THOMPSON. How many earn less?

Mr. STRAUS. Three hundred and eighty-one.

Mr. THOMPSON. In the clerical force, how many men earn less than \$10 a week?

Mr. STRAUS. We have practically no men in our clerical force.

Mr. THOMPSON. In what department are the largest number of boys employed under 18 and girls under 16?

Mr. STRAUS. Well, the boys under 18, the largest number are messenger boys, stock boys, and helpers on wagons.

Mr. THOMPSON. And girls under 16?

Mr. STRAUS. We have none.

Mr. THOMPSON. You have none?

Mr. STRAUS. No, sir.

Mr. THOMPSON. How many wagon boys are employed in your establishment?

Mr. STRAUS. One hundred and seventy-one. That is many less than I told on I thought there were more.

Mr. THOMPSON. What proportion of wagon boys receive a wage less than \$8 a week?

Mr. STRAUS. None.

Mr. THOMPSON. How many women or cashiers or cash girls?

Mr. STRAUS. One hundred and fourteen.

Mr. THOMPSON. How many girls, cashiers, earn less than \$9 a week?

Mr. STRAUS. Ninety-eight.

Mr. THOMPSON. Less than \$8 a week?

Mr. STRAUS. I haven't got that information.

Mr. THOMPSON. Is there a minimum wage for women in your store?

Mr. STRAUS. We have no saleswomen getting less than \$6; we have no cashiers less than \$6. In fact, we have no women getting less than \$6 except in what might be called junior positions; parcel girls, stock girls, etc.

Mr. THOMPSON. What are their wages?

Mr. STRAUS. \$4, and they are advanced every six months until they get \$6 or are transferred.

Mr. THOMPSON. Does your store dock for tardiness?

Mr. STRAUS. Well, I can not answer that just that way, because I do not think we are working on the same terms. I do not—we do not.

Mr. THOMPSON. You do not?

Mr. STRAUS. No, sir; we figure this way: Our employees are expected to be in the store at 8 15 o'clock—the store opens summers at 9 o'clock—if they are not on time, if they have got a good excuse, they are excused and counted as if they were there at 9 o'clock. If they are not there at 9 o'clock, they are told they need not come until an hour later. We do that not to serve as a fine, but it is to serve as a notice to them that they must be on time. If a person is late persistently, we first send them home to show them we do not stand for that, and if they persist after that, unless very good excuses are forthcoming, we dismiss them. If they live out of town and commute on trains that bring them in two or three minutes late, that is made a note of, and they are allowed to do that, but the reason is this: In our salary office it is obviously impossible to check up minutes and fractions of hours. We divide the day, so that if they are less than an hour or up and not excused, they are told they need not come back until the hour is up. We show it consistently and honestly in the way it is done. If an employee wants to leave from 5 o'clock on, they are not docked for it. If an employee wants to go to the doctor, or something of that kind, providing there are not too many in the department asking for leave at the same time.

Mr. THOMPSON. The deduction of an hour's time in the morning, so far as the employee is concerned, amounts to a lessening of the wage?

Mr. STRAUS. Yes, sir; but it is entirely within the control of the employee not to have that wage lessened, because if he or she has an adequate excuse it is taken. For instance, if the morning is foggy and the ferries late, if there is a block on the railroad, or a block on the trolley line, and heavy snow or rain storms, or anything like that, those are considered.

Mr. THOMPSON. Your rule is not arbitrary?

Mr. STRAUS. The rule is not arbitrary. It takes into consideration any uncontrollable features.

Mr. THOMPSON. What do you consider will be the effect upon the discipline of your force if you abandon the deduction altogether? What do you think of the system as described by Mr. Tucker, which obtains in Lord & Taylor's?

Mr. STRAUS. I don't know. I would be very much afraid of it, because, even with this punishment inflicted, we have a good many late, and a good many late without excuses.

Mr. THOMPSON. Do you think punishment is always effective to bring results?

Mr. STRAUS. I don't know what would be more effective. You take Lord & Taylor's, I don't suppose they have—I don't know, I haven't counted their employees—over half as many as we have, and necessarily it means the discipline is greater.

Mr. THOMPSON. How many employees have you? I don't believe I asked you that question.

Mr. STRAUS. For the week ending June 6, we had 4,344.

Mr. THOMPSON. Altmann's had 3,500, so that is pretty near the same number.

Mr. STRAUS. I don't know how much they like it.

Mr. THOMPSON. They say they like it. It is apparently voluntary on the part of the firm.

Mr. STRAUS. We have found this necessary, we thought. We may be wrong. We do not feel that we are absolutely right in everything we do.

Mr. THOMPSON. I wanted your view, that was all.

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. Does your firm pay for overtime; and, if so, what rate?

Mr. STRAUS. Not for overtime, because there can not be any. We did before we changed; yes.

Mr. THOMPSON. Do you find any trouble in conforming to the 54-hour law for women?

Mr. STRAUS. No, sir; when it was under the law previous to that we opened our store at 8.30, and we asked the people to be there at 8.15. Strictly, we have three quarters of an hour for lunch, and we are working nine hours per day. We realized that our people could not get out promptly at the stroke of the bell—we have four bells, and at the fourth bell everybody is supposed to go. Realizing that we could not get them all out at 6 o'clock, we opened half an hour later. In case anybody was not out at 6.30 we were still within the law. So we consider our working-day is from 8.45 to 6.30, although I will venture to say that 98 or 99 per cent of our people work 20 minutes less than that.

Mr. THOMPSON. In reference to men, do you pay them for overtime?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. On what basis?

Mr. STRAUS. Hour for hour.

Mr. THOMPSON. Hour for hour?

Mr. STRAUS. Yes, sir; we tried to get down—cut down the overtime as much as possible.

Mr. THOMPSON. Are your women employees ever kept to work after 6 o'clock at night?

Mr. STRAUS. Very seldom. We take stock of our merchandise twice a year, and that usually requires the staying after the regular closing hour. When that is done, time is given off on other days under the present law. Under the old law that was not necessary.

Mr. THOMPSON. What is the latest they are required to stay?

Mr. STRAUS. The law says 10 o'clock, but they leave before that.

Mr. THOMPSON. Is there a mutual benefit association in your store?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. Who elects the directors or trustees of it?

Mr. STRAUS. The employees.

Mr. THOMPSON. Entirely?

Mr. STRAUS. Entirely.

Mr. THOMPSON. Do they elect the officers, too?

Mr. STRAUS. They have entire and complete control of everything.

Mr. THOMPSON. How long has that been so?

Mr. STRAUS. How long has that been so?

Mr. THOMPSON. Yes, sir.

Mr. STRAUS. I think since its inception, which was about 25 or 26 years ago. I have here, if it is of any interest, the constitution.

Mr. THOMPSON. The new law provides compulsory membership, does it not?

Mr. STRAUS. No, sir, it does not; not according to the copy which was presented to me.

Mr. THOMPSON. Doesn't it prohibit compulsory membership?

Mr. STRAUS. No, sir, not to firms, and not if the organization is run by the employees for themselves, according to the law, a copy of which was sent to me, and I suppose it is correct.

Mr. THOMPSON. Let me get your idea straight. What do you mean, how do you understand the law in reference to the compulsory features of membership?

Mr. STRAUS. It is compulsory; it forbids corporations engaging in the business of operation of mercantile establishments from deducting from the salary, compensation of wages, by direct payment or otherwise at that time, engaged in such mercantile establishment to contribute to a benefit or insurance fund maintained or managed for the employees of such establishment for such corporation or by any other person or corporation. I do not think it affects any mutual aid association as managed by the employees and controlled by the employees.

Mr. THOMPSON. Your interpretation of that law, then, is that your firm or your corporation—

Mr. STRAUS. (interrupting). Firm.

Mr. THOMPSON. In the first place, you are excused for two reasons—first, that you are not a corporation; and in the second place, that as this benefit association is formed by the workers themselves you, even if a corporation, would have the right to insist upon all employees joining it?

Mr. STRAUS. Yes. Let me add this much: Up to about—I haven't the time exactly—six or seven years ago we did not have compulsory membership, although we had been asked to have it, continually, by the directors and officers of the association. My seniors at that time in the firm did not like to have it. The officers of the association probably thought that a junior member was easier to convince than a senior, and came to me and asked me to try to influence my seniors to permit a compulsory membership, and I don't know exactly the term, but after about two years I succeeded in getting permission to have compulsory membership.

That was done at the— I would like to say this much, I wanted to refresh my memory on that question, and I asked the president, who was the president of the association for a long time, a question whether that was the fact, and he said absolutely. He said he should like to have an opportunity of saying it.

Mr. THOMPSON. Looking at that law and from the strict legal construction of it, but from the public view, from what probably was intended, do you think there was an intention there to prohibit the compulsory membership in those associations?

Mr. STRAUS. I think that law was passed without due and fair consideration. We asked the governor to be heard.

Mr. THOMPSON. Irrespective of the consideration, whether mature or immature, what do you think was the intention? What do you think the public would mean by such a law existing on the books?

Mr. STRAUS. I should say the law was expected to mean what it says.

Mr. THOMPSON. What it says?

Mr. STRAUS. Yes, sir; personally, I feel very strongly it is a law against public policy. I think we are compelled to have insurance against accidents, irrespective of the salary we pay to women. I think we ought to insist upon some sort of insurance against sickness, because they are not able to take care of them, whether \$5 or \$6 a week or more.

Mr. THOMPSON. You do not think it is policy, because you are not compelled to live up to it?

Mr. STRAUS. I think the law is against public policy. If the law said that compulsory insurance organizations of this kind should be under the control of the State insurance department, it would have been a much better law, and would have accomplished what was tried to be accomplished, because I suppose

this was passed after the Siegel failure, and if that had been under the control of the insurance department that could not have happened.

Mr. THOMPSON. I judge from your answer that you believe in social insurance?

Mr. STRAUS. That is a pretty broad question. What do you mean by that?

Mr. THOMPSON. Compulsory insurance by people generally, and particularly by workers, by which they may be taken care of in case of sickness, or a fund provided for burial in case of death.

Mr. STRAUS. Within limit.

Mr. THOMPSON. Within limit?

Mr. STRAUS. I do; I think it can be overdone. I think a thing of that kind can be overdone, but I think the limit is certainly an important adjunct to the social welfare of the community.

Mr. THOMPSON. If this matter is to be compulsory, have you an opinion as to whether the power of compulsion should rest with the State or with the firm?

Mr. STRAUS. I think we can judge of that better after we see how this compulsory law which is going to be enforced July 1 works out.

Mr. THOMPSON. In other words, at the present time you are agnostic on that proposition?

Mr. STRAUS. Exactly. Now, I don't know whether it would be of any interest to submit the constitution of our mutual aid association. I don't know as that is of any interest at all. I brought it because it was asked for in some cases.

Mr. THOMPSON. What do you say?

Mr. STRAUS. I don't know if it is of any interest at all to give you a constitution and by-laws. It was asked for this morning.

Mr. THOMPSON. Yes; we would like to have it.

(Received and marked "Straus Exhibit No. 1.")

Straus Exhibit No. 1, "Macy Mutual Aid Association Constitution and By-Laws," was submitted in printed form.)

Mr. STRAUS. And I brought some of their stationery.

(Received and marked, "Straus Exhibit 2.")

Printed letterhead of Macy Mutual Aid Association submitted.)

Mr. THOMPSON. Do you carry on welfare work?

Mr. STRAUS. I do not like to term it that, but we do as it is generally understood.

Mr. THOMPSON. Would you mind giving the commission a statement of it sometime in writing?

Mr. STRAUS. I could give it to you now.

Mr. THOMPSON. You may.

Mr. STRAUS. I have here a small pamphlet which was gotten up by one of our welfare workers concerning the clubs, association library, savings bank, etc. That is the general information given to the employees, if you care for it.

Mr. THOMPSON. Yes; we would like to have them filed.

(Received and marked "Straus Exhibit 3.")

Straus Exhibit No. 3, "R. H. Macy & Co.—Concerning Clubs, Associations, Library, Savings Funds, etc., July 1, 1913," was submitted in printed form.)

Mr. STRAUS. And in addition to that we have in charge of our welfare work a gentleman who was for many years at the head of one of the largest settlement houses in Boston, whose business it is to try to increase the—well, as I told him, to try to increase the efficiency, the health, and the happiness of employees. Now, to help in that function he has—he works on the lines of health with the help of our mutual aid association, who have a doctor and two nurses always on hand. On matters of efficiency he has four or five instructors who maintain classes of different kinds, salesmanship and deportment, and different kinds. On the side of happiness he has two ladies who are welfare workers, so-called, who do this sort of work, who arrange for clubs, and look after the personal requirements and needs of the employees.

Mr. THOMPSON. In connection with the efficiency work the time given to that by the employees is paid for, I take it?

Mr. STRAUS. Yes; it is all paid.

Mr. THOMPSON. Yes.

Mr. STRAUS. The only thing that is not paid, or is not done within the hours are such things as clubs. They have swimming clubs and gymnasium clubs, and all that thing. That is after hours.

Mr. THOMPSON. In reference to the efficiency work, have you got a statement, could you give this commission a statement of what it is in writing, we will say what is taken up and how it is taken up and the courses of training?

Mr. STRAUS. It is just at the present time in a state of change, and I do not think anything I would give would be of real value. We are cooperating with different agencies trying to find out what is the best form of continuation or vocational training. I have had various meetings with a number of directors of the public-school system on that question. We have agreed next fall, with the education department, to start a school with the board of education in another building outside the building. I have suggested that inasmuch as there are six or seven large employers of women located in the neighborhood of Herald Square that it might be to the advantage to establish a vocational school, with local members of the board of education composing the large part and employers in the neighborhood cooperating so as to work out a curriculum that would be helpful to the employer and to the employee. I don't know whether that will ever materialize or not.

Mr. THOMPSON. Now, Mr. Straus, what system have you in your store for taking up the grievances of the employees, whatever they may be?

Mr. STRAUS. Well, we have various systems. The mutual aid association has its board of directors which are all employees, which takes up any question—

Mr. THOMPSON (interrupting). Of discharge?

Mr. STRAUS. No; not discharge.

Mr. THOMPSON. Discrimination against an employee?

Mr. STRAUS. No; principally questions relating to discrimination and what appears injustice on the part of the mutual aid association. Incidentally other things crop up.

Mr. THOMPSON. I mean—but that is incidental?

Mr. STRAUS. That is incidental.

Mr. THOMPSON. In reference to, for instance, the mistreatment of an employee by the floorwalker or a buyer, unfair attitude, unfair discharge perhaps?

Mr. STRAUS. Those matters come to me personally, if anybody cares to do it, and they frequently do. Now, within the past week I have had four or five people come to me, which they always do. There is an understanding throughout the store that Mr. Byrnes, the general manager, or I are always on hand to be interviewed.

Mr. THOMPSON. You have over 4,000 employees?

Mr. STRAUS. Mr. Byrnes tells me there are signs up around the building stating any employee who feels that he has not been justly dealt with for any reason can appeal to the general manager or the firm.

Mr. THOMPSON. You have over 4,500 employees?

Mr. STRAUS. Yes.

Mr. THOMPSON. What work do you do?

Mr. STRAUS. I personally?

Mr. THOMPSON. Yes.

Mr. STRAUS. Largely that sort of work, general management, and incidentally some merchandising.

Mr. THOMPSON. You are a member of the firm?

Mr. STRAUS. Yes.

Mr. THOMPSON. Pretty important man around the store?

Mr. STRAUS. In that direction.

Mr. THOMPSON. And a busy man?

Mr. STRAUS. In that direction principally?

Mr. THOMPSON. Looking at it from the standpoint of the employee, suppose you are a little girl 16 years old or 18 or 28, and felt you had had a grievance, don't you think you would rather hesitate in that case to take it up with a man of your importance and position in the firm, your responsibility, and the work you have to do?

Mr. STRAUS. I won't give my answer to that. I had that same question up at a meeting of the executives of our store. We have a meeting of the executives of our store once a week, and all of them have risen from the ranks, and I asked them: Have any of you ever been in a position where you would feel that you could not appeal to your employer? Most of them have risen from our ranks. I asked them that without prejudice, because they do not talk as they expect that I would like to have them, because we are very frank with one another and criticize one another very fully; and, in fact, I did tell them: Don't give me your answer to-day; think it over, and a week from to-day let's discuss it and see if you think there is any need in this establishment of forming a grievance committee or whatever it may be called. That was at the suggestion of—to carry out Miss Beeks's suggestion that she made, and after a week's consideration and consultation around the store, they came back and

unanimously said they did not think there was any occasion for it or any necessity for it.

Mr. THOMPSON. Well, I will draw your attention to a phase of that matter. These men would be the men more or less complained of, would they not?

Mr. STRAUS. No; they are not in that line of position. You see, they are not the floorwalkers, they are not the buyers, they are not that kind of people.

Mr. THOMPSON. In other words, they are not the people who come in contact with the help?

Mr. STRAUS. They are the people who would be complained to more, not the people who would be complained of.

Mr. THOMPSON. I mean when it comes up to you?

Mr. STRAUS. Yes. They would not be the people complained of. I get cases before me continually. I had a case this morning. I get them, I suppose, three or four times a week at different times, and I do not think any employee is afraid to come to me. In fact, I find usually they would rather come to see me than to see some of their immediate superiors.

Mr. THOMPSON. Have you ever considered the organization of your employees into a union?

Mr. STRAUS. Our organizing?

Mr. THOMPSON. No; the organization of them not by you, but whether it might be possible to have them organized?

Mr. STRAUS. Well, it is a possibility.

Mr. THOMPSON. Have you any opinion as to how you would feel in regard to that matter, or have you any feelings in the matter?

Mr. STRAUS. I have more or less a personal historic feeling, I think. When I entered the business I had been trained at college under a certain professor, and he gave me a strong trade-union mind, and I came down here with very strong trade-union ideas. I told my superiors at the time, and they merely smiled, and practical experience has convinced me that, although in the theory trade-unions are good, in practice they are rather hard to demonstrate in connection with the business. I have changed my point of view considerably. I am not opposed to them. I think every man should have the—

Mr. THOMPSON (interrupting). Theoretically?

Mr. STRAUS. Theoretically I am in favor of trade-unions.

Mr. THOMPSON. Practically?

Mr. STRAUS. Practically I would be rather opposed to them.

Mr. THOMPSON. Mr. Straus, this question has been sent up to me to ask you by a member of the audience: Did you not tell one of the chairmen of an outdoor meeting, Miss Dutcher, on November 26, that while you were willing to have her speak to the clerks within the store you would dismiss from employment anyone found out to be a union member?

Mr. STRAUS. Oh, absolutely untrue. I remember that conversation very distinctly. If you want to get my view of it, I will tell that with great pleasure.

Mr. THOMPSON. If you would like to state it, you may.

Mr. STRAUS. The union had been holding meetings outside of various stores, and I do not know how it came to my notice, but I believe they sent out notices, and I do not know whether I saw one or not. They were going to hold one outside of our store, so I said to Mr. Byrnes I think it would be a mistake to allow them to hold a meeting on a cold November night outside the store, so we sent word down to Miss Dutcher that she might use our assembly room to hold a meeting inside the store. We have no objection to your telling our employees anything you please. We were not trying to muzzle them or close their ears to any arguments that might be brought forth and Mr. Byrnes sent the secretary down to see Miss Dutcher, and I think she saw Miss Dutcher, and the secretary telephoned and said Miss Dutcher was outside and asked to see Mr. Byrnes, and he said she could come up. I happened to be there at the time, and I had a talk with Miss Dutcher, and I made the offer to her, which she would not accept. I told her there was no string tied to it, and nobody would be present except the number necessary to keep order, and so far as she was concerned she could tell them anything she pleased; there was no objection on our part to saying anything before our employees anything she wished to say, and I told her we would like to know if she could convince them in 15 minutes or half an hour that she was a better friend of theirs than we were after many years of working together. She refused that. Then I said: "Where are you going to hold your meetings," and she said at Thirty-fifth Street, and I said: "That is a mistake. Our men come out at Thirty-fifth Street, and the girls come out at Thirty-fourth

Street. You want to meet the girls." I think she thought I was trying to fool her, but at any rate she held the meeting on Thirty-fourth Street, and Mr. Byrnes sent out word for the automobiles to come around the other way so as not to disturb the speakers, and she held the meeting on Thirty-fifth Street and had somebody on Thirty-fourth Street to send the girls around to Thirty-fifth Street. I think she made a mistake. She might have held a much better meeting if she had followed our advice.

Mr. THOMPSON. And you did not say that?

Mr. STRAUS. Absolutely not.

Mr. THOMPSON. Anything more you would like to state?

Mr. STRAUS. I think one-----

Mr. THOMPSON. Or any question?

Mr. STRAUS. I think there are quite a few things--I think there are certain questions which might be of interest for your commission if you are investigating the general situation of industrial relations. If you will permit me I would like to give you some figures. I do not think it is generally realized that of the total expense of a department store, and, of course, I can only speak of our own, but I think it would probably hold in general for all department stores, that of the total expenses incurred in the year over 50 per cent is paid in wages. I think that is a matter which is not usually realized, and I think that must bear a great weight in considerations of the method of determining compensation, because being by long the largest individual element in expense. In addition to that we have our rent, our insurance, advertising, and other expenses of that kind, but it is well over 50 per cent, the ratio between salaries and our total expense. Now, I think, in connection with the question of discharging employees which was brought up, and I think that those figures might be of interest in that connection. We engaged--I think I might better give it this way. We have in our employ at the present time, as I said, 4,344 employees. Of that number 1,634, a little over one-third, are with us less than one year. That is the year starting July 1. I could not get that previous to that date. I did not have time. Four hundred and eighty-two from one to two years, 1,203 from two to five years, 609 from five to 10 years, 416 from 10 to 26 years, and 74 over 26 years.

Now, to get those 1,634 employees who have been with us less than a year, we have employed during the past year 6,807 new employees. Of that number 2,866 were laid off for various reasons--incompetency or various reasons. Of course, we have to try them out before we know whether they are good. And 3,846 resigned for reasons best known to themselves. We do not know why. They simply left. I think those are the figures.

Acting Chairman COMMONS. Is that significant then or has it reference to vocational training; is that the idea?

Mr. STRAUS. In part, in part the statement that people are laid off without notice and that there is no compensating advantage to that. From these figures it is very evident that we lay them off with or without notice. We will take it for granted that they were laid off without notice, 2,666 total, whereas 3,846 left us without notice. I think that is one of the significant features of these figures. In other words, that discharge without notice carries with it also a right to leave without notice.

Mr. THOMPSON. A right to leave without notice?

Mr. STRAUS. Whether or not it would be advisable to work under the German system which requires notice on both sides, I think is an important question.

Acting Chairman COMMONS. Have you any other point?

Mr. STRAUS. Yes.

Acting Chairman COMMONS. We would be glad to hear that.

Mr. STRAUS. In this morning's paper a statement is made at these meetings, somebody was referred to as saying: "The stores," she went on to say, "live up to all outward appearances to their opening and closing hours, whereas the testimony of the employees is that they have to report 10 to 15 minutes before opening and rarely leave until 10 or 15 minutes after they close."

Taking 15 minutes before and 15 minutes after as the worst possible state of affairs and we still are 15 minutes per day inside the law, which is an hour and a half a week, up in our store. The law is absolutely lived up to, and I take it for granted it is in the other stores. I think it is. And I merely want to give that because the statement has not been refuted so far. In that connection I think it well to say that we give three-quarters of an hour for lunch to our employees and permission to every employee to leave the floor 15 min-

utes in the morning and 15 minutes in the afternoon for their own purposes. Some employees take the morning 15 minutes after the lunch hour is given, and use it for the lunch, and use the other 45 minutes for going off or doing any particular thing they care to. They actually have the right to have an hour and a quarter off the floor if they care to have it without asking any questions.

Now, Miss Svenson yesterday said that the commission system was used for speeding-up purposes; that the sales of each girl in one year must equal the next year to begin to get a commission. That is absolutely untrue. I think she referred particularly to Macy's. That is absolutely untrue with regard to Macy's. I think I told you how the figures are arrived at. They are not changed every year and the percentage is not changed every year, and nobody's average is raised unless the sales are raised, which is essential to maintaining some percentage. Miss Svenson also accused many employers of discharging their employees at Christmas time and engaging them after New Year's Day. I can not speak for the others, but I can say that that is not so in our place. A statement was also made and quoted in the papers. I do not remember hearing this. That employees were discharged before Labor Day and reengaged Tuesday morning, so as not to have to pay for the Monday. That is not the fact in Macy's; it did not happen in Macy's, and I do not think it is true anywhere else; although I don't know, but I can not believe it.

In connection with the Civic Federation report, which has been spoken of many times here, I think it no more than fair to say in many stores, in our store I know and in other stores I am told, many recommendations made therein have been followed in our store, quite a number of them. The law has required the reducing of the hours almost as Miss Beeks suggested. As to the question of the clerks and the use of seats. There is no such thing as anybody in our store forbidding an employee to use a seat when she is not otherwise occupied. We have a rule, unwritten, but I think thoroughly well understood, that when a department is not busy the seats may be used to their full capacity, which is at least one seat for every three people. When, of course, customers are at the counter the clerks may not be seated and they must talk to them standing. But beyond that as long as there is one clerk standing at the counter, if the counter is not otherwise busy, as many may be seated as there are seats for, and we also have provided seats for the men.

Now, on the question of our commission system. We found it very difficult for many of our girls to understand what percentage meant. The school did not provide that knowledge particularly or they did not absorb it if it was provided, and in order that they should thoroughly understand what our method of paying commissions was we sent to each employee a letter, to each sales person a letter one week after their first employment, which set forth our commission system very thoroughly. If this letter is of interest I will be pleased to file it.

Acting Chairman COMMONS. We will be glad to have it.

Mr. STRAUS. I have nothing further.

(Paper received and marked "Straus Exhibit No. 4.")

(Letter referred to submitted in printed form.)

Mr. THOMPSON. There has been one more question handed up from the audience which I would like to put to you. It states: "Did you not discharge 75 employees during the year from 1906 to 1907 because they belonged to unions?"

Mr. STRAUS. I simply can answer that categorically. I do not know what was referred to. If, however, whoever wrote that letter will be more specific I will be pleased to answer. On the face of it, no such thing ever happened with us, but I don't know what they refer to. I may be able to explain what they refer to if it was—

Mr. THOMPSON. Well, did you discharge them for any cause or violation—

Mr. STRAUS (interrupting). That is a question very hard to answer. I am sure it is not so.

Commissioner DELANO. How long have you had this bonus system in vogue that you described?

Mr. STRAUS. Six years, I think.

Commissioner DELANO. The results have been satisfactory?

Mr. STRAUS. Increasingly so. At first it was very difficult to make the people realize that we were anxious to have them earn commissions. There was a feeling, especially among the younger help, that we did not want them to earn commissions. Our intention at first was to reprimand anybody that persistently did not earn a commission. If they persisted in not earning it, we discharged

them, but we have not carried it out that way, but I think the commission is getting to be more satisfactory every year.

Commissioner DELANO. Could you give the commission any figures as to the average commission the people earn over and above their wages?

Mr. STRAUS. I could not give you that.

Commissioner DELANO. I mean, does it amount to a half a dollar or a dollar a week?

Mr. STRAUS. About \$1,600 altogether, Mr. Byrnes tells me. I don't know.

Commissioner DELANO. \$1,600 a week?

Mr. STRAUS. Yes.

Commissioner DELANO. That is divided among how many?

Mr. STRAUS. Everybody does not earn a commission, but I could tell you exactly.

Commissioner DELANO. Among the sales people only?

Mr. STRAUS. Yes. I don't know how many as such there were.

Commissioner GARRETSON. About 1,600 I think.

Mr. STRAUS. About 1,400, I think. I can give you the exact figures. [Referring to memorandum.] 1,058 and 319; that is 1,377.

Commissioner GARRETSON. Roughly amounting to about \$110 a piece?

Mr. STRAUS. They don't all earn it. If they all earned it, it would amount to a good deal more. That is the great trouble. Some of them earn it continually; others never seem to earn it. It is in part personally with them and in part opportunity.

Commissioner GARRETSON. Well, according to that statement the mortality rate is something terrible among those that don't earn it, isn't it? They earn it or they don't stay.

Mr. STRAUS. That is hardly true. I wish it were so, but it is not absolutely so. The mortality rate among our younger help of one-third is big; but among the other two-thirds it is not at all big.

Mr. DELANO. What proportion of the total staff has been with you over three years?

Mr. STRAUS. I guess you have those figures, but I will give it again. Over three years I can not give the figures, over three years. Over two years, 2,228, over two years.

Commissioner GARRETSON. With regard to Miss Becks's suggestion in the welfare report of the Civic Federation, Mr. Straus, have any of the stores connected with the association adopted her suggestion in regard to conciliation committees?

Mr. STRAUS. I do not think so. I don't know. It is very hard for me to answer for the other stores, because I don't know the details.

Commissioner GARRETSON. In dealing with this commission question, in a department in your store in which business is small in volume and the average article sold for a small sum, isn't it an utter impossibility for some of those department clerks to earn any commission at all?

Mr. STRAUS. You don't understand how we arrive at our commission. We have taken the average percentage for five years in these particular departments. Now, it should not be hard for an ordinary good sales person to do better than the average in any particular month. We have done that in order to provide against just what you mention.

Commissioner GARRETSON. It is not fixed, then? This amount of the sales per month fluctuates largely between one department and another?

Mr. STRAUS. Oh, absolutely.

Commissioner GARRETSON. And one department might be as low as \$50 and—

Mr. STRAUS (interrupting). No; I don't think so.

Commissioner GARRETSON. While another might go a thousand?

Mr. STRAUS. Yes, sir.

Commissioner GARRETSON. The piano department, for instance?

Mr. STRAUS. We don't have pianos.

Commissioner GARRETSON. Would run higher than dolls?

Mr. STRAUS. Absolutely. That was the reason for taking the average, not only each department but over each department each month.

Commissioner GARRETSON. Have you girls on your clerical force, or your cashiers, who earn \$5 or \$6 per week?

Mr. STRAUS. Six dollars is the lowest.

Commissioner GARRETSON. Are any commissions possible to those girls?

Mr. STRAUS. No; no commissions; but we pay to those girls prizes for the detection of errors in any sales checks, and that amounts to something.

Commissioner GARRETSON. Do you fine them or charge them with shortages also in those departments?

Mr. STRAUS. No; we don't charge them any shortages. No fines of any kind.

Commissioner GARRETSON. No fines of any kind in the store?

Mr. STRAUS. No, sir.

Commissioner GARRETSON. At the time you offered the use of the assembly room for the purpose of this meeting, had you any reason to believe that the real cause of the refusal was the fear of espionage?

Mr. STRAUS. Why, I have no cause for thinking anything in regard to it, excepting that they refused. They gave no reason for it. I might say that the espionage would have been just as simple on the street. That really could not have been the valid cause, even if it had been a cause.

Commissioner GARRETSON. It would not have been well based?

Mr. STRAUS. Absolutely not; because if we had sent our girls up to the assembly room for the purpose, they certainly could not have expected us to reprimand them for going there. I have heard it said here and I have heard it said before, that our people are reprimanded for gathering around after hours on the street. That certainly could not have been the case if they had gone up to our own room.

Commissioner GARRETSON. You stated that you believed in social insurance within limits?

Mr. STRAUS. Well, I think—my belief in social insurance in statu quo until we had out how this present one is going to work.

Commissioner GARRETSON. Well, it rather excited my curiosity to know what your definition of that phrase would be as applied to favoring it within limits. Would that limit mean that you believed in social insurance provided the insurance furnished the cost or provided the insured and the employer furnished the cost, or that the public participated in the cost, or that the public carried it alone?

Mr. STRAUS. I think it is a very broad question.

Commissioner GARRETSON. It is a big question.

Mr. STRAUS. It is difficult to answer it in a few words. I think that depends very largely on the character of the insurance you speak of. I think there are certain forms of insurance that should be carried by the employee, others that should be carried by the employer and employee together, and still others that should be carried by the community at large.

Commissioner GARRETSON. You lean, then, to the German view?

Mr. STRAUS. I do.

Commissioner GARRETSON. The expense of your welfare department—

Mr. STRAUS. (interrupting). Is negligible.

Commissioner GARRETSON. Is borne wholly by the firm and not in any way from the mutual aid fund?

Mr. STRAUS. That is right. But this welfare work, we don't advertise it or speak about it any more than we speak about our ordinary pursuits at the store. We do not look at it from the point of view of a charity or a philanthropy, or anything of that kind.

Commissioner GARRETSON. Simply good business.

Mr. STRAUS. Good business and nothing else.

Commissioner GARRETSON. We have got one common ground.

Mr. STRAUS. Yes; that is one where we think alike.

Commissioner GARRETSON. Your opinions, when you left college, were strongly in favor of labor unionism, and theoretically you hold that view; but your opinions in regard to its practicability have largely changed. Has that change been brought about through the experience that the practical application of it was costly?

Mr. STRAUS. No.

Commissioner GARRETSON. That had no part in bringing about the change?

Mr. STRAUS. Well, are you interested in my mental development on that question? It is a long story.

Commissioner GARRETSON. I am a born missionary.

Mr. STRAUS. It is a very long story, but if you want to hear it—

Commissioner GARRETSON (interrupting). No; I only wanted to know if that one factor entered into it?

Mr. STRAUS. Absolutely not.

Commissioner GARRETSON. You spoke of the fact that it was not generally considered that 50 per cent or in excess thereof of the cost of operating the dry goods business was paid out in wage. Have you ever investigated the comparative cost of operating in a good many other kinds of business, as to what proportion not only of the operating cost, but of the money actually received goes to wage?

Mr. STRAUS. Well, but it depends—you see, in a department store it is quite different than it is in manufacturing industries, where a very large proportion of the expense naturally is wage. But I had not looked this matter up until I started preparing for the questions that would be asked here; but since I found it out I have spoken to many people interested in the department stores that I have met, and I asked them the question and they were absolutely at sea regarding it, as I had been before; and nobody realized the amount that they themselves spent for wages was anything like as large a proportion of their total expense.

Commissioner GARRETSON. Isn't it a fact that if you pushed those investigations a little further, you would find an absolutely low proportion as compared with other kinds of business?

Mr. STRAUS. Manufacturing?

Commissioner GARRETSON. Of all kinds?

Mr. STRAUS. Well, I think you must differentiate.

Commissioner GARRETSON. But take that as it is, isn't it a fact that that is a low percentage of cost paid to labor?

Mr. STRAUS. Well, I don't think that is quite a fair question, because it is too broad. It is the same as average wage in a store. It amounts to nothing, because you take coal mining; the coal is of no value at all until labor is put into it.

Commissioner GARRETSON. But here I am taking only the position that is brought out by yourself. You did desire to impress upon the commission the immense importance of this fact—

Mr. STRAUS (interrupting). Merely because—

Commissioner GARRETSON (interrupting). Is it a matter of vast importance when you contrast it with other pursuits? Because we are looking into other pursuits, and some of us have been looking into those other pursuits for a good many years.

Mr. STRAUS. I think it is of vast importance for this reason: You take up such industries as the wholesale business of any kind and you will find the proportion devoted to labor is very much less, I think. Now, of course, as I say, I have got these figures in the last few days, and I have not gone fully into them; but you take a mercantile business, as already stated, the expense taken up by salaries has been supposed to be smaller in department stores, and I was surprised to find those figures myself. I am frank to say.

Commissioner GARRETSON. Well, your emphasis on that as a very important factor simply led me to desire to know how far you had followed it, because I have had occasion in years gone by to go rather deeply into the question of the amount of the cost of labor in a number of pursuits.

Mr. STRAUS. Well, the expense, I think, is quite different in different pursuits.

Commissioner GARRETSON. Oh, you say, in one or another it might be very different?

Mr. STRAUS. Oh, it is quite different; but in manufacturing—the raw product—practically the whole value is labor; whereas here we buy the finished product and all we do is to take it from the manufacturer and give it to the consumer.

Commissioner GARRETSON. You take some employers that neither buy products nor sell products, and they will pay 46 cents out of every dollar they take in on their gross receipts on labor.

Mr. STRAUS. Oh, I don't doubt it, and I should think more than that in some cases.

Acting Chairman COMMONS. I understood you to say you did not figure out the per cent that the amount of wages bear on the total sales, or would you care to give that?

Mr. STRAUS. Let's see if I can give it. I don't think I can give that with sufficient accuracy to be of any value, and I don't think it would help you very much.

Acting Chairman COMMONS. In comparison with other industries?

Mr. STRAUS. And I could not give it with any satisfaction of real value.

Commissioner GARRETSON. Now, this inquiry you made about grievance boards, did you carry it further down the line beyond these employees you have mentioned?

Mr. STRAUS. No; I did not. I have talked to individuals, but not to any groups beyond that. You see, it is very difficult to do that, because our employees do not get together at any particular time. It is difficult enough to get them to express opinions as to their preferences for the mutual-aid officer.

Acting Chairman COMMONS. These are certainly a different class of employees that you talk about.

Mr. STRAUS. Yes; those are what we call our executive heads.

Acting Chairman COMMONS. About how many?

Mr. STRAUS. Six.

Acting Chairman COMMONS. Now, Miss Beeks apparently laid a great deal of stress on that the other day here as an important thing for the taking care of a good many of these complaints that arise on the ground that they did not have an appeal?

Mr. STRAUS. Well, I will tell you. I think Miss Beeks's opinion is influenced largely by what has been done in other industries. For instance, she continually points to the United States Steel Corporation, I believe. Now, I don't think the United States Steel Corporation, which is controlled from New York, and the plants of which are situated all over the country, is comparable to an institution like Macy's, we will say—

Acting Chairman COMMONS. (interrupting). Well, the Steel Corporation does not have any grievance board of that kind at all.

Mr. STRAUS. Well, I don't know, then, which one she referred to, but she referred to some large corporations of that kind. But the department stores—and I speak of Macy's, because that is the one I am best able to speak of. Those controlling it or owning it are always at the plant or always able to be reached; and not only that, they are always around the building in touch with the individual employees. I go around the building once or twice every day, except when I am down here, and I am accosted by employees continually on matters of their own interest or matters of general store interest. They have no hesitation in speaking to me. I frequently have from the smallest girls—in fact, in addition to that we have what we call a suggestion box, which is placed primarily for the receipt of suggestions for the benefit of the improved working of the store, for which we give three prizes a month. That suggestion box is frequently used by the employees who do not get an opportunity of talking to us in person to drop in a note of any cause for complaint, and into which we immediately investigate.

I had a case of that kind Monday morning. They made suggestions last Friday, and I found this one other complaint and sent for the man Tuesday, and he thought he had a grievance—his salary was not right; and I discussed it with him, and he is to get more salary. But those things occur that way.

Acting Chairman COMMONS. The reason I asked this question, it seems that we have a very close agreement between Miss Beeks and the union representatives on that one point. However they may disagree on other things they all agree that the main thing is the settlement of those individual grievances where they apparently feel they could not get higher up.

Mr. STRAUS. Well, I should like to hear a case of that kind in Macy's. I should be very much surprised—in fact, I told that very definitely to somebody that made a statement to me in the office that such conditions occurred at Macy's. I said, "I wish you would give me one case, not of a person that left dissatisfied, because we can't expect to satisfy every customer or every employee, but of any person that left dissatisfied and feeling that they had not been given a just hearing."

Acting Chairman COMMONS. Well, that is all I will ask. We are very much obliged to you, Mr. Straus.

I have here a request from Miss Dutcher, that she may be allowed to answer a statement that you made; and if you wish to listen to her a little while you may.

You may call Miss Dutcher.

TESTIMONY OF MISS ELIZABETH DUTCHER.

Mr. THOMPSON. What is your name, please?

Miss DUTCHER. My name is Elizabeth Dutcher, and my address is 39 Pierrepont Street, Brooklyn.

Acting Chairman COMMONS. Miss Dutcher, I believe that you sent up a note saying that you would like to take the stand with reference to a statement made by Mr. Straus upon the interview held with you. What is your statement?

Miss DUTCHER. Mr. Chairman, I wish to take the stand in regard to this interview I had with Mr. Straus on November 26, 1913, before an open-air meeting at his door; and I would like, while I am here, if I am permitted, also to say a word about the other open-air meetings that we have held, because of the quite often repeated statements by employers here that they have no specific objection to trade-unionism among employees.

I am the chairman of the outdoor meetings committee. I have been responsible for all the outdoor meetings, and I have been present at almost every one; I don't suppose half a dozen outdoor meetings have been held by the union during the past year without my presence. So I can speak authoritatively on that subject.

On November 26 we were called up—a least, I was called up personally by a representative of Macy's and asked if I would hold my meeting inside the store, in their auditorium, instead of outside the store; and as the request was an unusual one, I said I would like to talk it over with the representative who called me up. So I met that representative and went with him to R. H. Macy's store, and there I saw Mr. Byrnes, the manager here, and at my request I asked Mr. Byrnes if I couldn't speak directly to Mr. Percy Straus himself, and he called Mr. Percy Straus in.

My reason for saying this was—we are in a very delicate position in regard to these outdoor meetings. We do not want to get anybody interested in unionism on false pretenses. We do not want them to think that it is without danger. We want them to understand thoroughly that there is a certain element of danger in their joining the union, and we try, as far as possible, to protect all union members against danger; but we can not guarantee them against it. So, when Mr. Straus came in I asked him just what would be the attitude of the firm in regard to trade-unionism. My reason for not wanting to hold the meeting in R. H. Macy & Co.'s was not on account of any espionage, because we get espionage enough on the street, goodness knows, from the store detectives and from all the rest of the people; but because it might give a false impression to the employees of R. H. Macy & Co., that Mr. Straus and the company were in favor of trade-unionism and did not care whether they joined the union or not.

Mr. Straus told me, as he has told here, that he was in favor, theoretically, of trade-unionism. And I want to say right here that Mr. Straus was absolutely straight and fair with us. He has been perfectly straight and fair about all our open-air meetings here, and Simpson & Crawford have also been. They are the only two firms in New York that have given us fair treatment about our outdoor meetings.

To go back to my conversation with Mr. Straus, Mr. Straus said, as I said, that he was theoretically favorable to trade-unionism, but that he thought we were mistaken in our effort to introduce trade-unionism among department-store employees. I asked him directly whether he would discharge any employee belonging to a union. He said, "No." I said, "Mr. Straus, how does it happen, then, that in the early days of the Women's Trade Union League in New York City"—and I am not prepared to say now whether that was in 1906 or 1907, it was one year or the other—"that they tried to organize the union of waitresses in New York, and they were successful in getting 75 of the Macy waitresses to join such a union; and that the waitresses attended a union ball shortly after joining the union and were every one of them discharged?" Mr. Straus said they were not discharged for their unionship, but for their propaganda in favor of trade-unionism. I said, "Mr. Straus, what would you regard as propaganda as to trade-unionism—the fact that they let it be known, or that it became known in the store that they were union members?" And he said, "Yes." I said, "That is enough, Mr. Straus. I don't feel, under the circumstances, that it is right to hold a meeting in the store. A false impression would inevitably be given."

And may I, right while I am here, Mr. Chairman, say a word about our experience in regard to outdoor meetings?

Acting Chairman COMMONS. Well, we must close shortly, and unless you have some very important matters, I think you have practically covered the ground, and we have heard from others; also, we want to close the hearings at this time.

Miss DUTCHER. I am just very anxious to give some account of the experience we have had, and I don't think it will take me 10 minutes, if you will give me time.

Acting Chairman COMMONS. Well, will that add anything further to what you have stated here? You have given us quite complete information.

Miss DUTCHER. I think it would; because we could give you information about Wanamaker's, Gimbel's, Bloomingdale's, and Altman's.

Acting Chairman COMMONS. Would you not just as soon write it out and send it to us, so that it will be part of our records and can be made a part of your testimony?

Miss DUTCHER. If it is your wish, Dr. Commons, I will do so.

(See Dutcher Exhibit No. 1.)

And may I take up one statement that was made by Mr Stewart here on the first day of the hearing, in regard to wages in his store?

Acting Chairman COMMONS. What firm is that?

Miss DUTCHER. James McCreery.

He made a statement that there was no one, as he understood it, working under \$9 a week as a saleswoman in his store. I was connected with a club in New York, the Far and Near Club, and used to attend its meetings, and I met there a girl by the name of Katherine Breslin. I mention her name without any hesitation, because she is not a union member and has no connection whatever with the union. She had worked at that time, a year ago, three years at the handkerchief counter in McCreery & Co.'s store. She was earning and had earned for the three years \$5.50 a week as a saleswoman in James McCreery & Co.'s store. And those facts are also known to Miss Virginia Potter, the president of the New York Working Girl's Club.

That was one case of an experienced saleswoman who had been a saleswoman for three years and a half.

Acting Chairman COMMONS. What McCreery store was that?

Miss DUTCHER. I think—I am not absolutely certain, but I think it was the uptown McCreery store.

Acting Chairman COMMONS. Represented by Mr. Stewart here?

Miss DUTCHER. Yes, sir.

And also, I would like, with your permission, to say one word in behalf of the witness who was called here, subpoenaed, but was not called on to testify; that is, Mrs Theresa Sukup. I want to say a word in regard to the effect of nine hours' standing behind counters. We have had a good deal of testimony here in regard to the possibility of using seats, or rather, that seats were prohibited.

I met Miss Sukup when she was employed at Kesner's a year ago last Christmas, in December, 1912, and shortly thereafter she became an employee of Simpson-Crawford's. In the spring of that year she was attacked with inflammation of the knee, and was six whole months in the hospital as the result, and the doctor said it was the result of standing in the department stores. When I visited her in the Lutheran Hospital in Brooklyn, where she was with this inflamed knee as the result of standing, the girl next to her in this particular hospital was also a department-store employee. She had just been confined of her first child. She had lost that child, and the doctor had also made that statement to her, that she had lost that child because of the long years of standing in the department store. She had been six years in Frederick Loeser & Co.'s—and that it would never be possible for her to bring a healthy child into the world.

I make that statement because I want it to be clearly understood that there are exceptional diseases connected with department stores, just as there are in connection with other occupations, and that fact has not been brought out at this hearing.

I want to make one more statement in regard to Mr. John R. Butler, of Simpson & Crawford. On December 21, 1912, I went into his store. There was no union formed at that time and I was not acting in behalf of a union.

I was acting as one intensely interested and had been for a long time in the department store conditions, acting as a voluntary inspector for the State factory commission. I had my badge as a voluntary inspector of the State factory commission. As soon as I entered the store Mr. Butler came to my side and followed me around the store on the first floor. When I proceeded to

ask the girls who were selling the goods as to the number of hours they had to work in the store, when they came on, when they came off, how much they were going to be paid for overtime, he, looking over my shoulder and speaking directly to the girls in question, said, "Don't answer the inspector's questions. This is not an inspection, it is an inquisition."

Mr. STRACHS. May I say a word regarding the conversation Miss Dutcher speaks of as to the discharge of 35 waitresses? I have no recollection of that, and I will look up our records and see if such a thing took place. Mr. Byrnes may remember better than I do, but I don't think any such thing happened. What happened at that time was, as I remember, that a trade-union was being formed among our people, and Miss Mary Dreier, of Brooklyn, was there. I asked her if she was trying to organize a union there, and she said she was, and I asked her why, her reason; and she said to improve conditions; and I told her she could improve the conditions very much easier if she would tell me how to improve them than if she attempted to make a union. She asked me at that time—of course, it is some years ago and I have no notes to remember it by—but she asked me why we had discharged the waitresses who had joined her union, and I said we would discharge any waitresses we had that joined a union and tried to force that union upon the employees. Now, our store has no concern with what their previous occupation was or what their religion is, or what their affiliations are socially or otherwise. I don't think—and I want to make this statement with the reservation—but I don't think we ever discharged 75 or 35 waitresses from our department, but I would have to verify that.

Mr. BLOOMINGDALE. I want to say that I am not affiliated with any store, but only as general counsel for the association, and I want to place on record this affidavit. Mr. Gumbel desires to correct one or two statements made yesterday in his testimony, but they are not of very great importance.

I want to say further that I delayed making this statement, because I had attempted to get a drawing that would still further discredit the testimony given here yesterday by Mr. Schwartz with regard to the condition of the place as he claims he found it, in his testimony, as to the condition of the rooms in the basement, he having already been discredited by the witnesses on the stand this morning.

And finally I want to read into this record this statement or affidavit made by George Little, one of the witnesses who testified yesterday, which reads as follows:

STATEMENT OF GEORGE LITTLE, OF 871 GLANMORE AVENUE, LONG ISLAND, KNOWN AS 38/305

Here two years. On the 24th May I had some old carpet shipped out which I had brought in to be cleaned and also some new matting which I had bought. I went to Mr. Oliver, the shipping clerk, and asked him if he could send me out some lining, and told him he could ship it in with the matting and then put burlap around it so that no one would see it. He asked me how much I wanted, and I told him 30 or 40 yards. When I received my matting and carpets at home, upon opening it up I found the lining inclosed about 40 yards, value 10 cents a yard, amounting to \$4; also there were 1½ yards of linoleum which I had cut off of a 9-yard piece, at \$1 a yard, making \$1.75. Andrew Rosenhammer, 25/203, put this linoleum in with my other goods. I have it now laid down in the vestibule of my house. This makes a total of \$5.75 which I owe the firm. When I was questioned by Mr. Passmore and Mr. Bernard I lied to them, but I am now telling the truth. In regards to marking 18 yards of lining on the shipping plan, Oliver requested me to mark it on there, and I did so in a lead pencil in front of Oliver in order to have that to fall back on in case anything came up. I did not buy any lining nor did I pay for any. I did not give Oliver anything for his part in the transaction. I have the lining in question at home now under my carpets and under the matting in the different rooms. I make this confession of my own free will and without any promises whatsoever.

GEORGE LITTLE.

Sworn to before me this 10th day of February, 1913.

GEORGE T. BERNARD,
Commissioner of Deeds, New York City.

Acting Chairman COMMONS. This is on file with the records of the retail dry-goods association, is it?

Mr. BLOOMINGDALE. No, sir; this I got yesterday by messenger from Siegel-Cooper's store, and attached to it is a lead-pencil sales check made by him, and I produce it to show that the statements made—that even a modified statement of his dishonesty, made on the stand, was intentionally colored by him in order to make it a little less grave.

Acting Chairman COMMONS. Have you another statement?

Mr. BLOOMINGDALE. The other statement I have not yet been able to get, but I will try to get it, and that will be a diagram showing the lower boiler room and the stove department, and it will show that the statement that they were separated by a board partition, is as far from the truth as the other statements made by Mr. Schwartz.

(A blue print showing location of boiler room, etc., was submitted by Mr. Bloomingdale.)

Acting Chairman COMMONS. The commission will now stand adjourned to meet at the city hall in Paterson, N. J., on Monday, at 10 o'clock a. m.

(Thereupon, at 130 o'clock, an adjournment was had until Monday, June 15, 1914, at 10 o'clock a. m., at the city hall, Patterson, N. J.)

EXHIBITS.

LYNN EXHIBIT NO. 1.

PAY-ROLL ANALYSIS OF WOMEN EMPLOYEES.

Total number of saleswomen-----	71
31 at \$7 per week.	
121 at \$8 per week.	
141 at \$9 per week.	
417 over \$9 per week.	
Total weekly pay roll for 710 saleswomen-----	\$7, 86
Average wage per week-----	\$1
Taking into consideration the commissions earned by saleswomen for a 6-month period the average weekly wage for this staff is-----	\$1
Total number of all women employees, exclusive of waitresses, house- keeping maids, factory employees (mostly all pieceworkers), and those under 17 years of age-----	1 46
Total weekly pay roll for all women employees-----	\$15, 02
Average wage per week-----	\$1

LYNN EXHIBIT NO. 2.

MEMORANDA ABOUT THE JOHN WANAMAKER STORE, NEW YORK.

May 28, 1902 announced that, beginning Monday, June 2, 1902, the store would close at 5 o'clock; that on Friday, May 30, Memorial Day, the store would not open; that during the months of July and August the store would close on Saturdays at noon (now to be closed all day Saturday in these months); that when the store closed on Thursday, July 3, it would remain closed until Monday, July 7, thus giving the extra holiday over the Fourth.

On Monday, May 4, 1903, the store announced that beginning to-morrow, May 5, 1903, it will open at 8.30 and close at 5.30 p. m.

Since the opening of the New York store in 1896, the following have been in existence:

Beneficial association.

Welfare work.

Visiting physician with free services.

Resident and visiting nurse with free services.

Luncheon rooms, where cooked meals are served below cost, for example a full luncheon for 10 cents.

Looking Forward Club, an organization for the welfare of the women of the store. Organized February 1, 1898, with preliminary meetings and work in 1899.

Looking Forward Club house opened June 9, 1909.

John Wanamaker Commercial Institute, an institution for the education of the younger members of the store family, organized April 5, 1909, with an enrollment of 83 boys and 173 girls, a total of 253. Enrollment of the John Wanamaker Commercial Institute, 1913, was 206 boys and 211 girls, total of 417; alumni roll, 1914, 117; of course, many more were graduated.

Resident doctor established in the store with free services together with visiting doctor March 16, 1911.

Chiropodist and dentist established in the store in 1912.

John Wanamaker Commercial Institute boy graduates each year sent on trip to Washington. John Wanamaker Commercial Institute girl graduates given a banquet.

John Wanamaker Commercial Institute boys are given two weeks' vacation to Island Heights, the summer encampment of the John Wanamaker Commercial Institute, at a nominal charge, with full pay while on their vacation.

Everybody in the store who has been here one full year from the preceding January 1, is given two weeks' vacation with full pay in advance. Those who have been here before January 1 of the same year are given six full days' pay in advance for their vacation.

Since the opening of the store all sales people have been given one-half of 1 per cent of their sales in December in addition to their regular salaries as compensation for any overtime work.

Executive workers are allowed one-half day's pay for each full evening's work.

Inside delivery workers are allowed a half day's pay for each full evening's work.

Now all selling departments are on a commission basis, but through December, although the store was not open at night, all sales people on a commission basis were paid in addition 1 per cent on all excess sales during all of December.

The Millrose Athletic Association was established in 1910.

Schools for the teaching of system to sales people in effect since the beginning of the store.

This summer (1914) the store will be closed all day on Saturday during July and August.

The holidays of the year on which the store is now closed all day are: Christmas, New Year's, Lincoln's Birthday, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, and Thanksgiving.

LYNN EXHIBIT NO. 3.

A SURVEY OF THE SCIENTIFIC WORK DONE AMONG THE WOMEN OF THE JOHN WANAMAKER STORE, NEW YORK, THROUGH THE LOOKING FORWARD CLUB, ORGANIZED FEBRUARY 1, 1898.

The Looking Forward Club has—

1. An efficient organization and a means of directly reaching every girl in the store. A voluntary membership of 1,805. An aim to be of vital use to every Wanamaker woman intellectually, physically, socially, and spiritually.

2. A year-round open clubhouse, where there is a library, social rooms, bath, rest room, recreation rooms. Here the girls can find needed rest, wholesome relaxation, healthful books and magazines, constructive recreation.

3. Well-organized smaller or group clubs under the direction of the Looking Forward Club, to make possible greater personal influence among the messengers, inspectresses, girl graduates of the J. W. C. I. and the housekeeping department.

4. A vocational department to help the girls to help themselves along business lines.

5. An educational department, with trained instructors and a carefully chosen curriculum, including French, English, first aid to the injured, cooking, dress-making, millinery, embroidery, paper work, and home efficiency.

6. A physical-training department, with a trained director, to provide wholesome and constructive recreation. These classes have included talks on hygiene, light drills and apparatus work, fancy marching, graded games, swimming, and dancing—fancy, esthetic, folk, and social.

7. A music department, which has trained two choruses and supervises individual piano lessons.

8. A dramatic department, with a Vassar graduate in charge. Three plays by our own people have been produced, one of them an original musical comedy laid in the Wanamaker store.

9. A savings-fund department, with the greatest number of depositors in any single vacation savings-fund station.

10. A department of good times. We give two large entertainments and dances a year. Our clubhouse is always open for the many informal parties and dances held there in the evenings. We have had Halloween lunch-hour parties, Christmas parties, valentine parties, and others, all too numerous to mention.

11. A department for summer vacations. A camping trip for 37 girls, lasting two weeks, and personally conducted, was most successful. Numerous other girls were enabled individually to go on vacations.

12. A publicity department, which has gotten up a most unique exhibition of posters illustrating the club work and a club paper.

13. A friendship department, to send cheer to our sick people—postals, flowers, and fruit.

14. A personal work department. The personal influence exerted by all who work in the store with the ideals of the club is great and far-reaching.

15. A fire-prevention department, with talks on the prevention of fires, ladder practice, and a regular fire drill.

LYNN EXHIBIT NO. 4.

INQUIRIES OF THE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS AND REPLIES THERETO.

It has been impossible to compile all of the statistics in answer to the general questions owing to the short time allowed us by reason of the notice of the hearing not having been received until Monday night, June 8.

1. Q. Upon what basis are wages reckoned in your establishment?—A. This question should be more specific, as it may mean at time of engagement or after a period of service, in which case the reply could be made accordingly.

2. Q. Do you pay a commission over and above the regular wage?—A. Yes; regulated according to the class of merchandise and the selling conditions of the various sections.

3. Q. In the organization of the store you represent, what is the largest group of employees?—A. The selling staff, the present census of which is 1,087.

4. Q. Of these how many are men?—A. Three hundred and seventy-seven.

5. Q. How many are women?—A. Seven hundred and ten.

6. Q. Of these how many are over 17?—A. Six between 17 and 18. How many are over 18?—A. One thousand and eighty-one are over 18.

7. Q. Of those over 17, how many women receive a wage less than \$9?—A. One hundred and twenty-one receive less than \$9, but not less than \$8.

8. Q. Of those over 17, how many women receive a wage less than \$8?—A. Thirty-one women, most all of whom have been promoted to the rank of saleswomen from our cadet force.

9. Q. How many saleswomen receive more than a \$9 wage?—A. Four hundred and seventeen.

10. Q. Counting the commissions, how many saleswomen over 17 earn less than \$9? Less than \$8?

11. Q. Counting the commissions, how many saleswomen over 18 earn less than \$9? Less than \$8?

A. Owing to the lack of time, we have been unable to compile the information to answer questions 10 and 11 in full. From an inspection of our commission records, we feel safe in saying that counting the commissions we have no saleswomen earning less than \$8 per week, and that about 60 saleswomen of the entire force are earning less than \$9 per week, counting their commissions in addition to wages.

12. Q. Are there many women over 18, of three years' experience as salesladies still earning less than \$9, counting the commissions?—A. No.

13. Q. Less than \$8?—A. No.

14. Q. Counting commissions, how many saleswomen over 18 years earn more than \$9?—A. Four hundred and eighty.

15. Q. Taking The second largest group, the clerical force, how many women over 17 earn more than \$9?—A. Two hundred and four.

16. How many earn less?—A. One hundred and thirty-one.

17. Q. How many women over 20 earn less than \$9?—A. We were unable to discriminate on the age limit referred to in this question, and therefore base our figures on all women over 17 as per our answer to the previous question.

18. Q. How many salesmen earn over \$14?—A. Three hundred and eight.

19. Q. In the clerical force how many men earn more than \$14?—A. One hundred and seventy-five.

20. Q. In what departments are the largest number of boys under 18? Girls under 16?—A. Boys and girls under the above ages are designated as "cadets"

and "messengers," and are engaged in the various departments throughout the store.

21. Q. How many wagon boys are employed in your store?—A. Eighty-six.

22. Q. What proportion of wagon boys receive a wage of less than \$8?—A. Twenty-five per cent between \$6 and \$7.

23. Q. How many women are cashiers and tube girls?—A. One hundred and fifty-seven.

24. Q. How many women or girl cashiers earn less than \$9?—A. Forty-five between \$8 and \$9.

25. Q. Less than \$8?—A. Sixty-one.

26. Q. Is there a minimum wage for women in your store?—A. No.

27. Q. What is the minimum wage for girls under 16?—A. Four dollars.

28. Q. How many receive it?—A. Forty.

29. Q. Does your store dock for tardiness?—A. No.

30. Q. Does your store pay for overtime? At what rate?—A. No; except to mechanics, porters, and factory employees, but a vacation allowance of one or two weeks, according to length of service is allowed as a recompense for extra time, and during the Christmas season extra compensation is provided for all employees working overtime.

31. Q. Is there a plan in your store to offset the overtime by shorter hours on other days?—A. Yes; for employees working over nine hours a day.

32. Q. Are your women employees ever kept for work after 6.30?—A. This very seldom occurs, except on the last day of the month, when the bookkeeping and auditing sections remain at work until 9 o'clock.

33. Q. Does your firm live up to the 9-hour day and 54-hour week law strictly?—A. This law is absolute in our store; in fact the average week consists of less than 50 hours' working time.

STEWART EXHIBIT NO. 1.

NEW YORK STATE FACTORY INVESTIGATING COMMISSION,
New York City, June 10, 1914.

HON. FRANK P. WALSH,
Commission on Industrial Relations.

DEAR SIR: To-day at the hearing of your commission on department stores, Mr. Louis Stewart made a statement reflecting upon the accuracy of work done by our investigators. If this statement is spread upon your minutes, I would respectfully request that you append thereto a copy of the following letter which I have just sent to Mr. Stewart, in support of which we have statistical tables to show the difference between flat rates quoted at McCreery's and actual weekly earnings affected by the inclusion of commissions.

Trusting you will see fit to make note of this statement, I am,

Yours, respectfully,

H. B. WOOLSTON, *Director.*

JUNE 10, 1914.

MR. LOUIS STEWART,
Jas. McCreery & Co., New York City.

DEAR SIR: To-day at the hearing of the Federal Industrial Relations Committee you stated that you were under the impression that the State factory commission had not credited to the wages of your employees the commissions earned by sales.

Permit me to state that I have had this matter looked up immediately and find that commissions have been calculated upon the basis furnished for the week on which we took your pay roll. This item has therefore been properly included, and I wish at once to correct any false impression regarding any neglect on our part which may exist in your mind or have been suggested to the minds of other persons.

Trusting this may properly explain our position to you, I remain,

Yours, very respectfully,

H. B. WOOLSTON.

MUNICIPAL BUILDING, Room 1220,
New York, June 12, 1914.

Dr. HOWARD B. WOOLSTON, *Director of Investigation,*
New York State Factory Investigating Commission,
No. 22 East Seventeenth Street, New York City, N. Y.

MY DEAR SIR: Your favor of the 10th instant in regard to statement of Mr. Louis Stewart was duly received.

Mr. Stewart made a statement at the beginning of his examination in which he said that he was under the impression that the factory investigating commission had not credited to the wages of his employees the commissions earned by sales, but almost immediately retracted the same and stated that he was not sure and did not desire to reflect in any way upon the accuracy of your work.

Nevertheless, I shall take pleasure in attaching the correspondence to the record already made in the case as requested by you.

Yours, very truly,

—————, *Chairman.*

STEWART EXHIBIT NO. 2.

INFORMATION FURNISHED BY MR. LOUIS STEWART.

No. 1. The average rate of pay to the 53 juniors, assorting sales checks and doing other simple work, who receive under \$8 a week, is \$7.

No. 2. Overtime work is discouraged. It is seldom our employees are kept after hours. In some instances where the overtime is slight, only 50 cents for supper is allowed; in others where the overtime is longer, a day off is granted, in addition to the 50 cents for supper. In other instances, time and a half is paid, and in some others, double time.

No. 3. The employees' mutual and association has dues of 50 cents a month, and pays a sick benefit of \$10 for the first week, \$5 for the second, and \$10 for each of the six succeeding weeks of illness, and in case of death, \$100 is paid. These benefits are fixed by the by-laws of the association, passed on by the employees.

GIMBEL EXHIBIT NO. 1.

GIMBEL BROTHERS,
New York, June 12, 1914.

Hon. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations.

DEAR SIR: In connection with my testimony before you, I desire to state the luncheon time for employees is one (1) hour for all office people, and forty-five (45) minutes for all selling employees.

In reference to overtime, supper money, i. e., thirty-five (35) cents, is allowed for up to two and one-half (2½) hours.

Respectfully,

JACOB GIMBEL,
For GIMBEL BROTHERS.

SVENSON EXHIBIT 1.

CONSTITUTION OF THE RETAIL CLERKS' UNION OF NEW YORK.

ARTICLE 1. Name: Retail Clerks' Union of New York.

ART. 2. Object. To improve working conditions among retail employees in every branch of store work in the city of New York.

ART. 3. Membership: (1) Any person actively employed in any branch of the retail trade, mail-order house, or window-dressing trade who has reached the age of 16 years is eligible for membership. (2) Application for membership:

Application for membership must be made through one of the members and be voted upon at a regular meeting of the union. Buyers, assistant buyers, floor-walkers, or others holding office directly under the management will not be eligible to membership. (3) Dues: Initiation fee shall be 50 cents, payable before membership card is issued, and dues shall be 25 cents per month, payable in advance in first regular meeting. (4) Fraternal members: The union may appoint at its discretion not more than eight fraternal members. The dues of fraternal members shall be the same as that of regular members and they shall also pay an initiation fee of 50 cents.

ART. 4. Officers: (1) The officers shall be a president, vice president, secretary, financial secretary, treasurer, sergeant at arms, and organizer. (2) Officers shall be nominated from the floor and elected by ballot at the first semi-annual meeting. Semiannual meetings for the election of officers shall be held in June and December. (3) Any officer may be recalled by a two-thirds vote of the membership. Application for recall shall not be acted upon unless signed by five members of the union in good standing and accompanied by a good reason for the request.

ART. 5. Order of business: (1) Call to order by president. (2) Initiation of new members and payment of dues. (3) Reading of minutes of previous meeting. (4) Reports of officers. (5) Unfinished business. (6) New business. (7) Communications and bills. (8) Adjournment.

ART. 6. Quorum: Five members shall constitute a quorum.

ART. 7. Amendment of constitution: This constitution may be amended only at a regular meeting of the union and only by a two-thirds vote, notice of the proposed amendment having been given at a previous meeting, and having been sent in written form to all members.

BY-LAWS OF THE RETAIL CLERKS' UNION OF NEW YORK.

ARTICLE 1. Suspension of members: Any member two months in arrears for dues may be suspended for cause at the discretion of the executive committee, and any member who is ill or out of employment may be excused temporarily from payment of dues.

ART. 2. Expulsion of members: (1) Any member may be expelled by a two-thirds vote of the members present at a regular meeting, provided the offending member be given proper notice to allow him to be present and defend himself. (2) Reasons for expulsion, disloyalty to the union.

ART. 3. Withdrawal of members: Any member desiring to leave the country or quitting the trade shall be allowed to withdraw from membership by paying all demands to date of withdrawal, surrendering his membership card, and giving written notice of his withdrawal.

ART. 4. Executive committee: (1) The officers of the union and one other full member shall constitute the executive committee. (2) Duties of the executive committee: They shall transact all business referred to the committee at the regular meetings of the union. They shall also act as a grievance committee. They may act in any emergency which may occur when it is not possible to call special meeting of the union.

ART. 5. Duties of officers: (1) President: The president shall preside at all meetings, appoint all committees, and supervise all work of the union; he may also call a special meeting of the union at his own discretion or at the written request of five members in good standing. (2) Vice president: The vice president shall perform the duties of the president in the absence of the president. (3) Recording secretary: The recording secretary shall take charge of all books, papers, and effects of the union, conduct all correspondence (including notice of meetings), and keep minutes of all meetings. (4) Financial secretary: The financial secretary shall issue all membership cards and countersign the same, issue stamps in return for dues as paid, and keep account of moneys received and all expenditures, and shall hand over all moneys received to the treasurer. (5) Treasurer: The treasurer shall keep all moneys of the union and give account of same at each meeting and shall pay out money only as directed by the union. (6) Sergeant at arms: The sergeant at arms shall preserve order at the meetings of the union and admit to meetings only those carrying their union card or on identification of the presiding officer; shall eject any member who persists in creating a disturbance after being called to order. (7) Organizer: The organizer shall do everything possible in the interest of the union, help increase its membership, and direct its propaganda.

ART. 6. Group system of membership: Persons in any part of the city who are eligible to membership and desire to apply for such membership may at the option of the organizer form local groups for the study of trade-unionism; these groups must contain at least one member of the union who shall direct its policy and report its progress. It may have its own system of dues and appoint its own officers.

ART. 7. Secret membership: Applicants desiring to become secret members can send in their application, indorsed by a member, with initiation fee and dues, and a card will be mailed them.

ART. 8. Initiation of members: Applicants for membership upon their election by the union must swear to the following pledge of allegiance, the same being read by the president and repeated by the new member, all members standing: "I, (name), solemnly pledge that I will do all that is in my power to act as a loyal and law-abiding member of the Retail Clerks' Union of New York, and will aid it to the best of my ability and power in furthering the interest of all store workers in New York."

ART. 9. Roberts' Rules of Order shall govern the proceedings of this union.

ART. 10. Amendment of by-laws: By-laws may be amended by a two-thirds vote at any regular meeting.

GRAFF EXHIBIT NO. 1.

B. ALTMAN & Co.,
New York, November 20, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Washington, D. C.

GENTLEMEN: I beg to acknowledge receipt of your favor of the 12th instant in reference to the information requested at the time of my appearance before you on June 11.

The directors of the corporation of B. Altman & Co. are elected by the stockholders, who are mostly employees. The stockholders have the voting power, which is expressed in proportion to the stock ownership.

It is difficult to answer the question "How many in the entire staff are entrusted with control and direction?" but if by this you mean buyers, department managers, and the executive staff, the number would exceed 100.

We would gladly send you a digest of the Altman Foundation plan, but, owing to certain questions awaiting final adjudication by our courts, the trustees of the Altman Foundation have not as yet completed their organization. However, your question can probably best be answered by the following extract from paragraph 13 of the will of the late Mr. Benjamin Altman:

"I desire that such corporation (Altman Foundation), when so formed and to which such stock shall be transferred, shall direct the policy, development, and growth of the business of said corporation (B. Altman & Co.) upon the principles and plan upon which I have directed the same during my lifetime, * * * for this purpose, and as a part thereof, I authorize the persons controlling such corporation to use from time to time such parts of said shares or dividends thereon as they shall deem necessary or advisable as I should do, if living, to promote the purposes aforesaid, either by a grant to persons employed in the business of B. Altman & Co. of shares of stock, * * * or by the grant of dividends accruing and to accrue on a certain number of shares so long as the grantees thereof shall continue to be engaged in the business of said corporation B. Altman & Co.

"I desire that such corporation so to be established shall distribute the dividends to be derived from said stock * * * for the payment of liberal fixed salaries to each person connected with or employed by it who may be actively engaged in overseeing my said business, whether he shall or shall not be a director of the said corporation, provided the same be authorized by law, and for the several purposes, or any of them hereinabove mentioned, my general object being to benefit and place on a secure basis the said business and improve the condition of the employees, and the remainder, if any, from time to time among such public charities as the trustees or directors shall approve."

If there is any further information desired, I will be glad to have you call upon me.

Very truly, yours,

LESLIE GRAFF.

DUTCHER EXHIBIT NO. 1.

WORKING CONDITIONS IN NEW YORK STORES.

To stimulate interest in welfare work and to correct "certain misconceptions on the part of the public" regarding the relation of the department store to the social evil, the National Civic Federation has published the results of an investigation of 22 New York stores.¹ These establishments employ 22,000 women and are owned by 19 firms, all members of the retail dry goods association. Welfare activities are described in detail, this subject covering more than half the report. The hours of work are briefly discussed, opinions of social workers, Salvation Army officers, and magistrates marshalled to disprove the importance of the low wage as a factor in prostitution, and data from the pay rolls presented to show that in wage rates "the department store leads all large employers of the sex."

The initial investigation of welfare activities was made in the year ending January, 1912. It was at the request of the retail dry goods association, and at their expense, that in the spring of 1913 the wage statistics were secured. At that time the pay rolls were examined and tabulated by a firm of public accountants. The data represented wage rates paid to 19,627 women in 17 stores in the week ending April 19, 1913. The facts are classified for saleswomen, assistant buyers, employees in the manufacturing departments, and "all others," including cash girls, stock girls, and office employees.

"The day is coming," says the report, "when an industry must pay living wages or stand condemned." After pointing out that "social workers have given \$9 as the lowest reasonable living wage for a girl entirely self-supporting in New York, although \$8 is the standard set by such investigators in Boston," the pay-roll statistics are thus summarized: "38.65 per cent, or 3,427 of the 8,867 saleswomen, and 51.33 per cent, or 10,073 of all the women employees, totaling 19,627, in 17 New York stores get less than \$8 a week. One store has none selling under \$8 and only 64 under \$9, while another having two at less than \$8 has only five under \$9. On the other hand, there are 654 of the total number of feminine employees receiving under \$4 and 2,603 getting less than \$5." The average rate of wage for saleswomen only, excluding cash girls, stock girls, and all other employees not actually engaged in selling, is stated as \$9.31. It should be observed, further, that of the saleswomen 55.53 per cent were paid at a weekly wage rate of less than \$9, and that of the total number of women considered in the investigation 63.69 per cent, or 12,503 workers, were in the groups classified as receiving less than \$9. The average weekly wage in the manufacturing departments was higher than for saleswomen.

In view of these figures it is difficult to understand the assertion that "the average wage paid women in New York department stores is appreciably higher than the average of factories, mills, and like industries in which women are employed in that city." In support of this contention the average wage of saleswomen as figured in this investigation is compared with data from two volumes of the United States Government report on the condition of women and child wage earners, and a recent book on women in the bookbinding trade, published by the Russell Sage Foundation. These comparisons are open to criticism from the point of view of statistical accuracy.

In the first place the use of the average is dangerous when the group of saleswomen in the table quoted includes 19 earning \$30 to \$39.99; seven, \$40 to \$49.99, and one designated as \$60 to \$69.99. Even assuming, as seems doubtful, that the duties of these highly paid women were similar to those of the majority behind the counters, it is inevitable that their high wage rates should so overbalance the low payments at the other end of the column as to give a false impression of the earnings of the majority.

Granted, however, that this dangerous average may be regarded as a measure of the wage scale, it is not fair to compare it with figures quoted, by the way, not from the volume on Women in the Bookbinding Trade, but from the publisher's announcement of the book, "Allowing for losses in slack season, three-quarters of the women receive less than \$400 a year, and the average is \$300 a year. This is at the rate of about \$6 a week." Obviously, this is an estimate of earnings based on a careful study of the trade career of bookbinders for 12

¹ National Civic Federation Review, New York, July 15, 1913. Vol. IV, No. 1. "Department Store Number."

months, while the Civic Federation figures represent wage rates for a given week without regard to losses through slack season.

A similar error is made in quoting from the United States Government report on wage-earning girls in stores and factories (Vol. V of the series), as follows:

Average weekly wages of 5,940 saleswomen in 12 department stores in New York.....	\$8.84
Average weekly wages of 1,762 women employed in factories, mills, and like industries in New York City.....	6.12

These figures are taken from different sections of the report and are not comparable. The average of \$8.84 represents the wage rate for saleswomen as compiled from the pay rolls of 12 department stores in New York (p. 146). The \$6.12 quoted represents the average earnings reported by 1,749 girls employed in factories in New York, taking into account losses through sickness and "lay-offs," as well as increases through commissions (p. 143). The same table from which this average of \$6.12 is given states that the corresponding average weekly earnings for girls employed in department and other retail stores was \$6.07. It is true that this latter group includes girls in small shops as well as in department stores, but no study of factory pay rolls was made which would give us an average to compare with the average of \$8.84 representing wage rates in 12 stores. As a matter of fact, no one yet has sufficient data to enable us to give the department store its proper rank among other large establishments employing women, certainly not to proclaim it the leader among them.

But whatever be the rank of the department store the fact remains that, according to this report on wage rates in a single week with no account taken of irregular employment, 10,000 women in 17 New York stores get less than \$3 a week. That fact in itself would seem to justify all the public discussion of the responsibility of the department stores for the social evil.

Yet the Civic Federation seems to deplore this public discussion. The section of its report dealing with "the saleswoman and the social evil" has these subheads in large type: "Department stores not the recruiting ground for white slavery—Business greatly maligned—Conclusive Government figures and testimony of social workers—Relation of wages to prostitution."

It is, indeed, a bold investigator who would be willing to call any "figures" on this subject at present "conclusive." The statistics quoted are taken from another volume of the United States Government report (Vol. XIII, Relation Between Occupation and Criminality Among Women). An examination of prison records, supplemented by interviews with probation officers and other social workers, showed that domestic service led all other large occupational groups in the proportion it contributed to the prison population, while the newer occupations, including saleswork, were not represented even as fully as their numerical importance in these communities might justify. A special supplementary inquiry was made to determine the previous occupations of prostitutes—with results practically the same. The Government investigation was carefully conducted and thoughtfully interpreted, but the information gathered was only a beginning. The information about wages is of the most casual sort.

Equally interesting but quite as tentative are the opinions quoted on this subject in the Civic Federation report. For instance, a statement signed by 37 social workers and sent to the press last spring is cited as authoritative. This statement was inspired by the fear that the recent wide publicity given to the discussion of low wages in relation to vice might harm thousands of working girls who keep straight, however hard may be the conditions of their work. "It is our general belief," they declared, "that low wages of working girls are scarcely ever a direct cause of loss of chastity."

The whole discussion illustrates the present lack of information on this topic. The moral effects of any occupation, even interpreting "moral" or "immoral" in a technical sense, defy statistical treatment, and to attempt direct investigation of the "relation" between an industry and prostitution in a community is to pursue a will-o'-the-wisp. If you find any evidence, it may be merely accidental; if you do not find it, it may nevertheless exist. Social workers should be the first to realize the danger of any final statement on this subject just now, especially if it be negative in character. In denying one possible, and very probable, effect of low wages, they may delay improvement in conditions which cause many other evils equally serious.

For, after all, the charge to be brought against industry to-day is not that a low wage makes a girl "immoral," but that it makes thousands of girls de-

fenseless. To go to work too young; to be used up in hard work which stunts development; to toil long hours and to walk home late at night unprotected on the deserted streets (while your rich employer fights every attempt to strengthen the laws protecting women and girl workers); to be paid a wage so low that the family purse never equals the cost of wholesome living; to be young, nevertheless, and eager for recreation, yet unable to have any but the cheap and dangerous kind—this is to be handicapped in a way which statistics can never measure. An industry which makes the young working girls of the community defenseless needs the salutary effect of public discussion.

Because of the urgent need for accurate information about work conditions in large stores, it is unfortunate that the desire "to correct misconceptions" (which may, after all, prove to have a large measure of truth in them) should have turned the most important sections of this report into an argument for defense rather than a simple statement of facts discovered. Furthermore, this desire to do justice to "a great industry" has led to an undue emphasis on minor details of welfare and the slighting of more vital facts.

The services of a chiropodist are helpful to a tired sales girl, but why does the report tell us so little about the observance of the State law requiring seats for sales girls, while merely remarking that "the problem is a vexing one from whatever standpoint it is viewed. It revolves primarily around the fact that the woman shopper will not purchase from a saleswoman who is seated." Outings in the park are doubtless to be commended as an effort to provide recreation for employees, but why should we class among "the unsuspected high lights in the welfare work" the fact that "at O'Neill-Adams's in the early spring two days' vacation with pay is given as a token of appreciation for Christmas overtime work"? Games on the roof, with prizes for the winners, must promote good fellowship among the workers, but is it not significant of relative values that "one interesting result was the request of a little girl to have her prize exchanged for a 'practical' pair of shoes? The generous spirit of the firm was evidenced by its granting this request upon finding that the child was in need of them."

Contrasts like these justify the public suspicion of welfare work. To stimulate interest in these activities will be of permanent value only if it be the first item in a comprehensive program for the improvement of work conditions, including increase in wages, shortening of the work day, and some way of giving the workers a voice in determining the conditions of their own labor—safeguarding them morally by giving them a larger measure of independence economically. Nothing less will satisfy the new social conscience of a democracy.

DUTCHER EXHIBIT NO. 2.

RETAIL CLERKS' UNION OF NEW YORK,
New York City, June 12, 1914.

MR. FRANK P. WALSH,
Chairman United States Commission on Industrial Relations.

1229 Municipal Building, New York City.

DEAR MR. WALSH: When, at my own request, I was called to the stand to-day I asked permission to give testimony in regard to the attitude of the stores of New York City to the open-air meetings conducted by this union. Prof. Commons, who was presiding at that time, said that the commission had no time for further testimony, but that if I would write out same and send it in it would be spread upon the commission's report.

I have been chairman of the committee on open-air meetings for the Retail Clerks' Union of New York since the beginning of the union, June, 1913. Owing to the fact that our organization was a secret one we were obliged at first to have all the helpers at the open-air meetings persons who, like myself, were sympathizers and were not department-store workers. The meetings are now largely carried on by our blacklisted members, but at first this was not so. On June 24 we held an open-air meeting at Wanamaker's, Tenth Street side. Mr. Harris, an assistant superintendent, who has since been discharged on the charge of seducing one of the cash girls, requested and caused the arrest of Miss Hildegard Kneeland and Miss Anna Rochester, two college women who were assisting, on the charge of distributing literature unlawfully. They were not held at the police station. Since then Wanamaker's have repeatedly tried to break up our meetings by closing the doors at the

home-going time and letting the employees out, contrary to general custom, through the subway. November 16, 1913, we held a meeting in the vicinity of Gimbel's. This was after newspaper publicity had apprised us that 11 cadets had been arrested at Gimbel's store on November 11, while trying to pick up the girls, at the solicitation of a customer, Mrs. J. B. Campbell, of Englewood, N. J. When we arrived on November 16, the managers present ordered the automobile trucks of the firm to parade up and down Thirty-second Street, where we were, blowing their horns so that our speakers could not be heard, and also running down the crowd and breaking it up. On November 18 we went back and held our meeting, and one of our helpers, Miss Helen Schloss, was arrested, at the request of Gimbel's, charged with unlawfully distributing literature. She was not convicted.

On May 12, 1914, Mr. Paul Douglass and myself were arrested at Stern Bros., Forty-third Street side, at the request of an assistant manager of Stern's, on a general charge of disorderly conduct and were convicted and fined on the testimony of a police sergeant, his patrolman, and two of Stern's detectives, that we had a crowd of five to six hundred people and that we refused to allow the police sergeant to clear a passage through the crowd. As a matter of fact, as our witnesses testified, we had no crowd, as Stern's closed their door as soon as we arrived and sent their employees out the Forty-second Street side. We were arrested with great suddenness at the request of Stern's and had no chance to make any protest.

At meetings in the vicinity of Gimbel's, Bloomingdale's, O'Neill-Adams's (a Claffin store), and Altman's the firm has frequently closed doors and sent employees out in such a way that the employees would not see us or know where we were, and in numerous instances the store detectives have pushed and hurried the girls along some distance after leaving the store so that they could not remain and listen to the speakers. In the month of December, 1913, Mr. Edward Fowler, one of our helpers, was ejected with violence from Bloomingdale's where as a customer he was giving union literature to those serving him.

Simpson-Crawford's and R. H. Macy & Co. are the only two large firms in New York who have not interfered in our meetings. In justice, we should say that we have never held a meeting at Lord & Taylor's or at any of the stores in the Fulton Street district in Brooklyn.

Before leaving the witness stand this afternoon I left with the stenographer a statement by Miss Mary Van Kleeck, which was published in the Survey and officially indorsed by them in an editorial, criticising the report of the National Civic Federation. I hope very much that that criticism of Miss Van Kleeck's can be spread on your minutes.

Mr. H. Doane Pflum, efficiency engineer of 74 Broadway, New York, has also analyzed this report. He concludes that the average as given by that report, \$8.58 for all association stores, is mathematically incorrect and that the high average is obtained through the figures from four stores only, Lord & Taylor's, Altman's, McCreery's, and Saks. In fact only 35 per cent, or 5 stores out of the 16 covered, draw this average of \$8.58 or better. The other 65 per cent in the other 11 stores draw considerably less than this report's average.

Mr. Percy Strauss this morning criticized our organizer, Miss Svenson, for calling his commission system a speeding-up system. In answer, we wish merely to quote the third paragraph from the last of their own statement to employees on the Macy commission system which is as follows: "Remember that Macy's is going ahead each year, so we expect more sales this year than last, and more sales next year than this. If you apply yourself closely and strive to please, you will do your part to bring about the necessary monthly increase in business, and, as a consequence, you will earn commission over and above your salary every week in the year."

We are surprised, by the way, that you did not subpoena Miss Mary Chamberlain, one of the editors of the Survey, who has sold goods at Macy's on the commission plan, within the last year and a half.

New York stores, according to the United States Government report published in 1910, show that New York pays lower wages in its stores than Philadelphia, Boston, St. Louis, or Chicago. In New York, for instance, according to that report 35.7 per cent of the total employees investigated receive \$4 to \$6 per week, while in Philadelphia only 18.9 per cent receive this low average. In Boston 26 per cent, and in Chicago 11 per cent.

I hope very much that you will proceed with your investigation of the department stores in New York, and thank you for the light you have already

shown on the subject and your courtesy to the retail clerks' union, and hope that we and other persons informed from the employees side of the controversy may be able to testify for you later.

I inclose a sample of our literature which was issued last winter before the passage of the 54-hour law and the compulsory mutual benefit law.

Sincerely, yours,

ELIZABETH DUTCHER.

STATE OF NEW YORK,

County of Kings, ss:

Elizabeth Dutcher, being duly sworn, says that she has read the foregoing letter and knows the contents of same, and that all the statements and allegations contained therein are true.

ELIZABETH DUTCHER.

Sworn to before me this 12th day of June, 1914.

OTIS S. CARROLL,
Notary Public, Kings County.

BLOOMINGDALE EXHIBIT NO. 1.

BLOOMINGDALE BROS.,
New York, June 11, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,

City Hall, Borough of Manhattan, New York City.

GENTLEMEN: In compliance with your request, we are submitting to you answers to the questions you requested put in writing.

Permit us to raise the question: Would it be fair to compare salaries paid by stores handling principally merchandise with salaries paid by stores handling competitive and staple lines of merchandise?

1. Upon what basis are wages reckoned in your establishment? On efficiency and length of employment.

2. Do you pay a commission over and above the regular wage? Yes; especially to sales clerks.

3. In the organization of the store you represent what is the largest group of employees? Sales clerks.

4. Of these, how many are men? One hundred and one. How many women? Three hundred and sixty-eight.

5. Counting commission, how many saleswomen earn less than \$9? Two hundred and fifty. Less than \$8? Two hundred and eight.

6. Are there many women of three years' experience as sales ladies earning less than \$9, including commissions? Nineteen. Less than \$8? Thirty-eight. Among those of three years' experience earning \$8 and \$9 a week are those who entered our employ at a very tender age and were advanced in position and salary. As, for instance, a girl of 15 or 16 starting as errand girl or parcel wrapper at \$4 or \$5 per week and advanced to sales clerk after a few months, in which capacity she would receive an advance of \$1 or \$2 a year, would show her earning \$8 or \$9 a week after three years of employment.

7. Counting commissions, how many saleswomen earn \$9 or more? One hundred and eighteen.

8. Taking the second largest group, the clerical force, how many women earn more than \$9? Sixty-six. How many earn less? One hundred and four.

9. In what departments are the largest number of boys under 18? Wagon boys.

10. How many wagon boys are employed in your store? Sixty-four.

11. What proportion of wagon boys receive a wage less than \$8? Fifty-seven. More than \$8? Seven.

12. How many women are cashiers? Tube-room girls? Cashiers, 36; tube-room girls, 6.

13. How many women or girl cashiers earn less than \$9? Thirty. Less than \$8? Eight.

14. What is the minimum wage for girls under 16? \$4. How many receive it? Thirty-eight.

15. Does your store deduct for tardiness? At what rate? There is no charge made for less than one hour's lateness or absence during any one week or for time lost which, when figured according to the salary earned, amounts to less than 10 cents. In making charges for lateness, we figure on a 10-hour basis, whereas our working hours are 8½. In this way employees are charged less than pro rata.

16. Does your store pay for overtime? At what rate? Is there a plan in your store to offset the overtime by shorter hours on other days? Are your women employees ever kept for work after 6.30 (except at holiday time)? What is the latest they are required to stay? There is very little, if any, overtime work during the year. If there is, we arrange to have a shorter working day for those employees who worked after 6 o'clock, but at no time do we permit females in our establishment after about 9.30 to 9.45 p. m. At Christmas we pay our employees at the rate of half a day per evening, although the number of hours are only three.

17. Does your firm live up to the 9-hour day and 54-hour law strictly? Our working day is 8½ hours and 51 hours per week.

Very truly, yours,

HIRAM C. BLOOMINGDALE.

BLOOMINGDALE BROS. EMPLOYEES' MUTUAL AID SOCIETY,
New York, June 12, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
City Hall, Borough of Manhattan, City of New York.

GENTLEMEN: We have attached hereto a financial statement which shows last year's transactions. Our original schedule of dues was made with the intention that the income from this source, in connection with the interest on deposits and donations, should cover the expenditures for all purposes. Last year we found we had a surplus, which we attributed to the fact that, luckily, not many members were in need of large donations, and sick benefits were smaller than usual. As the society is on a firm basis, we do not care to pile up any additional surplus. We have therefore been investigating for quite some time how to use up this excess. With this purpose in view, we have had plans and schedules of dues and benefits drawn up.

At the last meeting of the board of directors a plan was adopted which reduces dues, raises benefits, and places the system on a basis where members pay dues in exact proportion to their earnings. We have been able to make our income go much further than ordinarily, on account of the economical basis on which the society is conducted, the only expenses being secretary fees and sundry petty items, such as stationery, printing, etc. Attached hereto are a few statistics which show some of the things the society did last year.

The booklet¹ on welfare work speaks for itself. There have been quite a few changes, chief among which is the fact that the society has discontinued May Day outings. The original May Day outing was given to our junior members as an offset to the entertainment and ball held by the older members, attendance to which was denied the juniors. We do not have any more affairs, which therefore does away with the original reason, but aside from that we have at the present time only a few juniors, and by November 1 there will be no members under 16 years of age.

We have indicated in the attached constitution many changes which have been made since it was printed; as stated above, dues and benefits have been revised. The society is ruled by a board of directors which meets each month. The directors are designated by a board of electors which represents all the members. This board of electors consists of 42 persons, who meet once a year. At this meeting there is submitted to them a statement showing the transactions for the past year and the financial standing of the society.

There has recently been exposed an instance where the funds of a mutual-aid society were misused, but we believe that this is a lone exception to the general rule. It is our belief that mutual-aid societies are of great benefit to employees.

Very truly, yours,

BLOOMINGDALE BROS. EMPLOYEES' MUTUAL AID SOCIETY,
Per EXECUTIVE COMMITTEE.

¹ Submitted in printed form.

DEPARTMENT STORES OF NEW YORK CITY.

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Bloomingdale Bros.' Employees' Mutual Aid Society profit, loss, and income statement, Mar. 1, 1913, to Mar. 1, 1914.

Dues.....		\$7, 732. 61
Benefits:		
Sick benefits.....	\$3, 950. 26	
Death benefits.....	490. 00	
		\$4, 440. 26
Clinic:		
Doctors' fees.....	1, 166. 66	
Sundries.....	42. 34	
		1, 209. 00
Administration:		
Secretary's fees.....	300. 00	
Stationery and printing.....	82. 23	
General expenses.....	70. 70	
		452. 93
Total expenses and payments.....		6, 102. 19
Net income, Bloomingdale Bros. Employees' Mutual Aid Society.....		1, 630. 42
Funds:		
Interest on—		
Special deposits.....	\$525. 65	
F. Myers fund.....	574. 74	
J. B. Bloomingdale fund.....	333. 14	
L. S. Bloomingdale fund.....	345. 52	
Total.....		1, 779. 05
Donations.....	\$1, 221. 35	
Welfare work.....	425. 40	
		1, 646. 75
		132. 30
Total income.....		1, 762. 72
<i>Loans to employees.</i>		
Total.....		1, 756. 50
Payments.....		1, 568. 75
Balance Mar. 1, 1914.....		187. 75
Balance outstanding Mar. 1, 1913.....		\$184. 00
Advances during year.....		1, 572. 50

Adopted plan.

Class	Composed of—	First week.	Thereafter.	Dues per month	Dues per year	Number of members
No 1.....	\$4.....	\$1 00	\$2 00	\$0 15	\$1 80	101
No 2.....	\$4 50, \$5, and \$5 50.....	2 00	3 00	.25	3 00	82
No 3.....	\$6 and \$6 50.....	2 50	4 50	.35	4 20	132
No 4.....	\$7 and \$7 50.....	3 00	5 00	.40	4 80	230
No 5.....	\$8, \$8 50, and \$9.....	3 50	6 00	.45	5 40	192
No 6.....	\$9 50, \$10, \$10 50, and \$11.....	4 00	7 00	.50	6 00	139
No 7.....	\$12 up.....	5 00	8 00	.60	7 20	565

All members earning \$12 and over may elect to pay 50 or 60 cents per month, but would be entitled only to benefits in those respective classes.

Death benefits

First three classes.....	\$30
Fourth and fifth classes.....	40
Sixth and seventh classes.....	50

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EXHIBIT A.

Based on figures March 1, 1913, to March 1, 1914.—Two hundred and ten persons received benefit for a total of 768 weeks; average, $3\frac{1}{2}$ weeks each.

Persons received—

1 week's benefit.....	47
2 weeks' benefit.....	58
3 weeks' benefit.....	25
4 weeks' benefit.....	22
5 weeks' benefit.....	13
6 weeks' benefit.....	10
7 weeks' benefit.....	6
8 weeks' benefit.....	10
9 weeks' benefit.....	2
10 weeks' benefit.....	3
12 weeks' benefit.....	14

Total.....	210
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Persons earning up to \$5.....	\$89.11
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Persons earning—

\$5.....	224.79
\$6.....	603.14
\$7.....	676.71
\$8.....	489.82
\$9.....	348.57
\$10.....	94.00
\$11.....	178.57
\$12.....	235.57
\$13 to \$15.....	171.68
\$16 to \$19.....	249.43
\$25.....	39.43

Pieceworkers.....	354.00
Ex-employees.....	195.00

Total.....	3,950.00
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INDUSTRIAL CONDITIONS AND RELATIONS IN PATERSON, N. J.

(For exhibits under this subject see pages 2629 to 2645.)

COMMISSION ON INDUSTRIAL RELATIONS.

PATERSON, N. J., *Monday, June 15, 1914—10 a. m.*

Present: Chairman Walsh, Commissioners Lennon, O'Connell, and Commons.

Chairman WALSH. The commission will please be in order.

Mr. THOMPSON. Is Mr. Henry Doherty, Jr., present?

(No response.)

Mr. THOMPSON. Is Mr. Edward F. Lotte present?

(No response.)

Mr. THOMPSON. Is Mr. Thomas F. Morgan here?

TESTIMONY OF MR. THOMAS F. MORGAN.

Mr. THOMPSON. Mr. Morgan, will you give us your full name, please?

Mr. MORGAN. Thomas F. Morgan.

Mr. THOMPSON. Your address?

Mr. MORGAN. 14 Twenty-second Avenue.

Mr. THOMPSON. And your occupation?

Mr. MORGAN. Loom fixer by trade; secretary of the loom fixers and twisters' association at the present time.

Mr. THOMPSON. How long have you been secretary?

Mr. MORGAN. Seventeen years.

Mr. THOMPSON. Of that organization?

Mr. MORGAN. Seventeen years.

Mr. THOMPSON. Seventeen years?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. You are located here in Paterson?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Where are the members of your organization working, around Paterson in the silk mills?

Mr. MORGAN. They cover 15 States.

Mr. THOMPSON. I mean your local organization.

Mr. MORGAN. Local organization around Paterson; yes, sir.

Mr. THOMPSON. What number have you in your organization?

Mr. MORGAN. Four hundred.

Mr. THOMPSON. What is the general purpose and scope of your organization, the international organization?

Mr. MORGAN. Why, to reduce the hours and increase the wages, get better sanitary conditions.

Mr. THOMPSON. What class of workers does it include?

Mr. MORGAN. Loom fixers?

Mr. THOMPSON. Yes.

Mr. MORGAN. What class of workers? Do you mean the class he does?

Mr. THOMPSON. All persons who are admissible to membership in your union.

Mr. MORGAN. Loom fixers and twisters. That is two separate trades.

Mr. THOMPSON. That includes all the trades admitted to your union?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Have you got a copy of your by-laws?

Mr. MORGAN. I have not got one with me; no, sir.

Mr. THOMPSON. Will you furnish the commission with one?

Mr. MORGAN. Yes, sir.

(The constitution and by-laws were later submitted in printed form.)

Mr. THOMPSON. In that do you state the trades that are admissible to membership, and the requirements of membership?

Mr. MORGAN. Yes, sir.

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Mr. THOMPSON. Around Paterson, you say, you have 400?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Members of your organization?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Some time ago, in this city, about a year ago, there was a strike in the silk mills?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. How many mills are there, if you know, in this city, silk mills?

Mr. MORGAN. Well, do you mean how many firms or how many separate mills?

Mr. THOMPSON. How many separate mills.

Mr. MORGAN. I should judge about 118 or 120.

Mr. THOMPSON. About 118 or 120?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Is it the most important industry in Paterson?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. How many of those mills have you members of your union in?

Mr. MORGAN. Well, you see there is different branches in the industry; there is ribbon and broad silk. Ours includes only the broad silk. We have got them in about 55 different mills.

Mr. THOMPSON. How many mills are there that are manufacturing broad silk?

Mr. MORGAN. Well, between 55 and 60.

Mr. THOMPSON. Between 55 and 60?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Does your membership practically include all the people in your line in the mills? What per cent organized are you?

Mr. MORGAN. It is like this, some of the firms are so small that they don't employ any of our men; could not afford to employ them.

Mr. THOMPSON. Those mills that you have an organization in, are you there fairly well organized or not?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. You are?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Then practically the people working in the line of industry covered by your union in the mill, large enough to employ your members, are employing members of your organization?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Do you have agreements with the manufacturers?

Mr. MORGAN. No, sir.

Mr. THOMPSON. You do not?

Mr. MORGAN. No, sir.

Mr. THOMPSON. Is there a verbal—

Mr. MORGAN (interrupting). Well, there is a verbal understanding.

Mr. THOMPSON. That is to the effect that the men do not seek employment anywhere else?

Mr. MORGAN. They apply to the organization for the men. Our men do not apply for work.

Mr. THOMPSON. Then you furnish the members of your unions to the manufacturers upon application through the manufacturer?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Is there any other understanding between yourself and the manufacturers?

Mr. MORGAN. Only the amount of wages. They all know what that is, and they know when they send to the organization for a man they have got to pay the standard.

Mr. THOMPSON. Do you take up any grievances with the manufacturers? Or are they settled with the individual employee?

Mr. MORGAN. Oh, if it is a small grievance, very likely it is adjusted with the men in the shop. If it becomes anything like serious they send for me.

Mr. THOMPSON. And the manufacturers will deal with you?

Mr. MORGAN. Yes.

Mr. THOMPSON. As the representative of the organization?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. On behalf of them?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Isn't that true generally of all these manufacturers as to the members of your union?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Have you ever had occasion to present any demands to any of these manufacturers, either with reference to hours, wages, sanitary conditions, or in regard to any special grievance?

Mr. MORGAN. Yes. When we decide upon an increase in wages, we generally give 90 days' notice, saying that we expect to increase wages at a certain date, generally in 90 days, and as a general rule we succeed in getting the increase inside of 30 days.

Mr. THOMPSON. You give them notice?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Not the individual workers?

Mr. MORGAN. No, sir. Well, the individual workers through the shop chairman very often notify a manufacturer they work for.

Mr. THOMPSON. That is to say, you have shop organization?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. But the official representative of your organization hands a notice verbally or gives a notice in writing to the manufacturer?

Mr. MORGAN. Generally verbally; yes, sir.

Mr. THOMPSON. And the manufacturer generally deals through your officers?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Then this is true, so far as your union is concerned in this town to-day?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Now, with reference to strikes, there have been strikes within the last few years in the silk industry in this city, have there not?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. When was the first strike, and about how long did it last?

Mr. MORGAN. The first strike?

Mr. THOMPSON. Yes; there were two strikes—one grew out of the other, as I understand?

Mr. MORGAN. Well, when you ask your question like that, it is pretty hard to answer it, because there is always a strike of some size on in this city.

Mr. THOMPSON. Well, about a year ago there was a very severe strike here?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. A strike of some magnitude, wasn't there?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Did that grow out of a previous strike, do you know, or not?

Mr. MORGAN. Yes, sir; it grew out of a strike, I believe, in the Henry Doherty Silk Co., although some three or four others previous to that they were agitating for a general strike, even previous to that.

Mr. THOMPSON. What did this strike in the Henry Doherty mills, out of which the second strike grew, what was that—I don't mean what caused it, but whom did it include and for what length of time did it last?

Mr. MORGAN. It was the weavers.

Mr. THOMPSON. Of course they were not members of your organization?

Mr. MORGAN. No, sir.

Mr. THOMPSON. Your organization, as I understand, could not properly take them in?

Mr. MORGAN. No, sir.

Mr. THOMPSON. How long did that strike last, if you know; I don't mean the date—

Mr. MORGAN (interrupting). You mean from the start of the Doherty strike until the strike—

Mr. THOMPSON (interrupting). Until finally the first strike was settled or ended.

Mr. MORGAN. Well, it started in the Doherty shop just—I think it was in the early part of February—and did not end until the latter part of July.

Mr. THOMPSON. Then the Doherty strike never was settled, but merged into this larger strike?

Mr. MORGAN. Practically none of them were ever settled; only just petered out, is all.

Mr. THOMPSON. But I mean, first there was a small strike and then that grew into the larger strike?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Did it include members of your organization at any stage?

Mr. MORGAN. Naturally, when the weaver stops the machinery stops.

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Mr. THOMPSON. And you think you simply stopped work? There was no work for you to do?

Mr. MORGAN. There was no work for them.

Mr. THOMPSON. But they were not participants in the strike?

Mr. MORGAN. No, sir.

Mr. THOMPSON. At any stage of the strike?

Mr. MORGAN. No, sir.

Mr. THOMPSON. Did they have any conferences with the strikers at any stage? Any official conferences?

Mr. MORGAN. No, sir.

Mr. THOMPSON. At the time of the strike did you have any meetings of your men with reference to the strike and its merits and demerits? Were any resolutions passed or any orders of your organization?

Mr. MORGAN. No; only at our general meetings, of course, in a general way, which came up about the trade and the unsettled conditions it was in, but nothing which you might term definite.

Mr. THOMPSON. Were there any meetings of your membership in which you had an understanding that you would keep aloof from the strike and not take any part in it?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What was the general conclusion of your organization in that regard?

Mr. MORGAN. The general conclusion was this: That it represented—the strike represented—a body of disorganized people, practically speaking. This all occurred after the strike was in full swing. It appeared this way, that the great majority of those that were out on strike had no definite understanding as to what they were out on strike for. In some cases there were shops which came out on strike and told the men that employed them that they had no grievance whatever, but were simply going out in sympathy with the others. Then, of course, after they had been out a couple of weeks they kind of formulated grievances so that by reason of that we could not undertake to act with them, because, practically speaking, there was never any action taken by the body of the weavers themselves.

Mr. THOMPSON. Well, when these weavers went out of Doherty's mills, did your organization at that time take an interest in the strike?

Mr. MORGAN. No, sir.

Mr. THOMPSON. But your men were thrown out of work?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Was there any inquiry by yourself or other officers of the organization as to why the weavers were out throwing your men out of work?

Mr. MORGAN. Well, yes; in a formal way.

Mr. THOMPSON. That is what I want to get at, what you did in that respect at that time?

Mr. MORGAN. Well, to get at that time properly you would really have to take up previous to the strike when this three and four loom question that brought on the strike was up in the Doherty Co. before the strike occurred.

Mr. THOMPSON. I don't want to get the right or wrong, I mean as to the intention, but I do want to get at the why of the strike, what caused it. You may state your three or four loom proposition.

Mr. MORGAN. Well, as I stated, previous to the strike occurring I, along with the committee of weavers and also a committee from the warpers, went and notified the Doherty Co. in regard to the three or four loom proposition, and we had several conferences trying to convince him that it would very likely precipitate a strike if he persisted on going on with the fours.

Mr. THOMPSON. How long was this prior to the first strike?

Mr. MORGAN. It may be three or four weeks previous to the strike.

Mr. THOMPSON. How long had the looms been in force there, or been put into effect, three or four looms?

Mr. MORGAN. They had been running some months previous to that.

Mr. THOMPSON. Some months?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. And what specific thing did you take up with the manufacturer at that time?

Mr. MORGAN. Representing the weavers and the loomers, we took up the proposition that if he insisted upon them running three or four looms he would very likely bring about a strike, and tried to persuade him from it. On the other hand he told us of different firms throughout the country where they

were running them, also told of a firm here where they had run four frames 12 years, and he did not see why he should not be allowed to run them.

Mr. THOMPSON. You speak of three or four looms. Tell what that means. It means an attendant taking care of three or four looms, does it?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Tell us in your own way what that meant with reference to the workers.

Mr. MORGAN. Well, it meant this to the workers: If one weaver ran four looms where they formerly ran two, every other weaver would be thrown out of work. That was the principal objection we had to it.

Mr. THOMPSON. What was said to you at that time other than what you have now said, by Mr. Doherty?

Mr. MORGAN. Well, he simply told us it was a question of competition with Pennsylvania. That he was forced into the position to make this low class of goods; that is, that grade of goods; that his competitors in that line of goods were running three and four looms, and if he was going to manufacture that kind of goods he would have to make it on the three and four loom basis.

Mr. THOMPSON. Was that the only conference you had with him?

Mr. MORGAN. We had several conferences.

Mr. THOMPSON. That was the result of your conferences?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. At that time you were working with the weavers?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Not as part of your organization, but simply because they were working in the same mills with your people?

Mr. MORGAN. Simply trying to avoid trouble.

Mr. THOMPSON. When the strike occurred it was three or four weeks, I take it, after your conference with Doherty?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What then did you do with reference to these same weavers that you represented at these conferences?

Mr. MORGAN. Well, they then merged into practically one mass. You could not hardly call it an organization because I don't suppose there was 5 per cent of them organized when the strike took place.

Mr. THOMPSON. When these same weavers that you represented, while unorganized while working in the mills, what did you do with them when they came on? Did you cooperate with them at that time?

Mr. MORGAN. No. Practically the thing stood dead. That was all. Nothing further, but we were not working and they were not working.

Mr. THOMPSON. But while your people were working and while these weavers were working you took up these matters with Doherty?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. But when they went out on strike and your people were out on strike you stood back and did not carry on further negotiations. Is that correct?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What was the reason that you negotiated prior to the strike and then stopped negotiating after the strike?

Mr. MORGAN. Because there was nothing further to negotiate about. The mills were shut down. He was going to run three or four looms, as he wanted. What further could we do?

Mr. THOMPSON. Well, your people were out of work.

Mr. MORGAN. We could not make him start the place up.

Mr. THOMPSON. It looks as if there was more reason then, from my point of view, for negotiating than there was before.

Mr. MORGAN. Yes.

Mr. THOMPSON. At least, you considered there was nothing for you to do?

Mr. MORGAN. We were ready and willing to do anything we could if they were willing and wanted us to, but if they wanted to continue fighting there was no room for negotiation when they wanted to fight.

Mr. THOMPSON. After the mill first went on strike, how soon after that did you have a meeting of your people or of your officials, or a coterie of your officials, to determine what action, if any, you should take?

Mr. MORGAN. We met on our regular meetings, the first and third Friday, and it seemed everybody knew in the trade that the Henry Doherty Co. was out on strike.

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Mr. THOMPSON. How long did it take for that strike to spread to the other mills?

Mr. MORGAN. I could not say positively. It was a number of weeks, though.

Mr. THOMPSON. Well, in a general way, how long?

Mr. MORGAN. Maybe four or five weeks.

Mr. THOMPSON. In about how many mills did it spread?

Mr. MORGAN. Well, they set a given day when they were to claim a general strike. Some responded and some did not; and then it was constantly shifting until they got them all involved in it.

Mr. THOMPSON. Well, at that time did your organization take any part or pass any resolutions or have any understanding among your members, either yourself or officers with reference to what your attitude should be in that?

Mr. MORGAN. The understanding was the organization having control of the strike, we did not recognize it as a trade-union movement, and for that reason we did not wish to be mixing with them or mixed up with them.

Mr. THOMPSON. This organization, you mean the Industrial Workers of the World?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. How soon after the strike, or if at the beginning of the strike, did they take possession of the strike? Did they start in possession at the time the Doherty people went out on strike, did they call them out?

Mr. MORGAN. No.

Mr. THOMPSON. The people came out?

Mr. MORGAN. The Doherty strike was simply a mix up. There were some belonging to the United Textile Workers in that organization, and the Industrial Workers of the World tried to break in on that shop, so that it was a mix up between the two organizations of the weavers.

Mr. THOMPSON. But the strike itself was not caused by their organization, if you know?

Mr. MORGAN. Well, that would be a pretty hard question to answer. Some said the Industrial Workers of the World called it and some said they did not. Whether they did or not, I don't know. Practically speaking, I think they knew themselves.

Mr. THOMPSON. You don't think they knew? That is your opinion?

Mr. MORGAN. No.

Mr. THOMPSON. Let me understand your answer. You mean the people came out without the incitement of the Industrial Workers of the World, or that the Industrial Workers of the World didn't know anything about it?

Mr. MORGAN. Well, some strikes—sometimes maybe half a dozen workers in a shop will decide it will be a good thing to call them out, and with the class of people they have working in the mills at the present time, they simply say, "Come on, stop the looms. Get out. Get out." So God knows who calls that kind of a strike. I don't.

Mr. THOMPSON. Well, you think the mill workers, the Doherty walkout was caused because they could not adjust this three or four loom proposition with Doherty?

Mr. MORGAN. Yes; that was the root of it.

Mr. THOMPSON. And after that the other organization came in and helped to spread the strike to the other mills?

Mr. MORGAN. Yes.

Mr. THOMPSON. And then you withdrew your hands from the situation?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Is there any organization affiliated with the American Federation of Labor which could properly take in weavers and loomers and other people that you say do not properly belong to your organization?

Mr. MORGAN. Is there any at the present time, do you mean, or at the time of the strike?

Mr. THOMPSON. At that time?

Mr. MORGAN. Well, at that time, as I told you, some of them were affiliated with the American Textile Workers to the American Federation of Labor, in the Doherty shop; but, as I said, the Industrial Workers of the World broke in on them and practically destroyed that organization in that shop; that is, what little was left of it.

Mr. THOMPSON. Well, as I understood from your statement in regard to the membership of your organization, it would not take in these workmen?

Mr. MORGAN. No, sir; but there was a local of the weavers, understand, at the time the strike took place; that is, what was left of the weavers in the Doherty shop.

Mr. THOMPSON. Was this local consisting of weavers in the Doherty shop working with your organization?

Mr. MORGAN. Yes, sir; it was affiliated with the American Federation of Labor.

Mr. THOMPSON. How large an organization was that, and was it active, or was it passive?

Mr. MORGAN. Well, at one time it was quite active; that is, maybe a year previous to that time. Had about 1,800 members. And then it dwindled down to, practically, the Doherty shop, with, maybe, a hundred or less.

Mr. THOMPSON. About how many weavers are there working in Paterson?

Mr. MORGAN. Broad-silk weavers?

Mr. THOMPSON. Yes.

Mr. MORGAN. I should judge it would be 6,000 or 7,000.

Mr. THOMPSON. What, if anything, was done by your organization toward the close of the strike to bring about the finish of it, if anything; and what was done by this other organization of weavers affiliated with the American Federation of Labor?

Mr. MORGAN. Well, as I told you, when that strike occurred, practically, that organization which was affiliated with the American Federation of Labor went out of existence, then and there. That was the end of that organization, at the beginning of the strike. You want to know what my organization did toward bringing about a conference or settlement of the strike at any stage of the game?

Mr. THOMPSON. Yes.

Mr. MORGAN. I might state, directly—the organization directly—none; but there is the central labor body of Paterson, N. J., which tried to arrange a conference between the manufacturers and the workers—to bring about a conference opening the way for a settlement. And there was a committee appointed by the central labor body, and this committee went and saw the general strike committee, and the general strike committee seemed to think well of the plan, and they appointed 3 from each one of the parts—that is, 3 from the dyers, 3 from the ribbon weavers, 3 from the broad-silk weavers, and 3 from the general; that is, the quillers and winders and things like that, consisting of 12, and with them gained an understanding with some manufacturers in the city that they would be satisfied with a conference, and the strike committee was perfectly satisfied. Everything was all arranged, the committee was appointed, and everything; and just as they were about to adjourn, Mrs. Flynn—"Girls" Flynn—jumped in and knocked the thing sky-high, and they would not have anything to do with anybody connected with the American Federation of Labor—they were a lot of fakers and grafters—and she knocked this committee out entirely. And she came back to the Central Labor Union—this body—with a proposition which she knew could not be carried out, just to discredit the American Federation of Labor. She asked all organized trades in Paterson to declare a 24-hour strike to show they were in good faith; and she knew perfectly well that all trades connected with the American Federation of Labor were working under agreements with manufacturers and could not do it, and that was a card she played to break off this conference, which she succeeded in doing.

Mr. THOMPSON. That ended it?

Mr. MORGAN. That knocked the committee sky-high.

Mr. THOMPSON. You say the strike sort of petered out?

Mr. MORGAN. Yes; at the finish.

Mr. THOMPSON. How soon after that did it start to peter out, or had it already started?

Mr. MORGAN. Oh, it was a long time after that. That was only while the strike was on about six weeks, and the strike lasted pretty near six months.

Mr. THOMPSON. At that time did the president of your organization, John Golden, come here during the strike?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What effort did he make, if any, in regard to settling the strike or taking these weavers and others into your organization?

Mr. MORGAN. Well, I might state that there was a request from a number of the workers; that is, that the American Federation of Labor should send its representative in here and try and get some of the workers organized together, if they could get them to organize, and try and bring about a conference and bring about a settlement. They called a meeting for the armory up here on Market Street. The meeting was arranged; and there was also, I believe, from

paper reports and from reports of people attending the meeting, that the Industrial Workers of the World decided they were going to go up to that meeting in the armory and break it up, if possible. This meeting was arranged in the armory, and there was something like fifteen or sixteen thousand people in the meeting, and they succeeded, in a way, in breaking it up. It was one of the wildest scenes, and Bill Hayward came hedging through with fellows and tried to cause a disturbance, and he succeeded in causing a disturbance to a certain extent. Then the police had to rush the crowd and drive the 15,000 out. After they got them out five or six thousand came back and held the meeting.

Mr. THOMPSON. Now, in reference to the work that Mr. Goldman was able to do here, then, didn't he form any organization of those workers?

Mr. MORGAN. No, sir. They claimed unless they could have a majority of the workers who were on strike they would not take the work up under the circumstances.

Mr. THOMPSON. How long did Mr. Goldman stay here at that time?

Mr. MORGAN. I guess he was here, off and on, for two or three weeks.

Mr. THOMPSON. And the result was that he was not able to get a majority, and the matter died?

Mr. MORGAN. No, sir; we could not get a majority. We opened headquarters in Market Street and one other headquarters, and as soon as we did the I. W. W. got out pickets and used threats of all kinds to keep them away, and what they would not do to them as they went near the place.

Mr. THOMPSON. During the length of the strike, Mr. Morgan, were any people killed, if you know?

Mr. MORGAN. Well, there was only one man; he was supposed to be a dyer's helper on Riverside. It remains a mystery as to how he was killed.

Mr. THOMPSON. Was he a striker?

Mr. MORGAN. No, sir. I think he was one who went in and acted as a strike breaker; but they never found out definitely how he was killed.

Mr. THOMPSON. Was there a great deal of disorder, and what form did it take? Did it take the form of slugging people or breaking of property?

Mr. MORGAN. Well, yes; there was considerable disorder, but with no more than you might generally expect where there were 25,000 people out on a strike. A lot of the papers garbled the reports so as to make it appear that it was something awful. It was not near as bad as some of the papers put it.

Mr. THOMPSON. In your opinion, it was just about the kind of a strike you would expect where 25,000 people were out on strike?

Mr. MORGAN. I think it was very peaceful for a strike of that size.

Mr. THOMPSON. You think it was very peaceful?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Did the people conduct themselves in a fairly orderly manner, do you think?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What pictures did the newspapers print at that time of the disorder? You say it was not as bad as they pictured it?

Mr. MORGAN. Out of a very trifling affair they would make it appear that it was a great big riot, and all that sort of stuff.

Mr. THOMPSON. Did they do that often?

Mr. MORGAN. Quite often; yes, sir. Some of the papers in particular seemed to take a great deal of delight in firing things at Paterson, anyhow.

Mr. THOMPSON. They did?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. From the reading of the papers, then, one would get a totally different idea of the strike than it was actually?

Mr. MORGAN. From what it was actually; yes, sir.

Mr. THOMPSON. They did?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. In other words, the element of disorder and violence was made up and made to appear more rather than less?

Mr. MORGAN. There was a lot of stuff that went on that did not appear of the disorder; threats and intimidation, and all that, that was done very quietly. At the same time it was very effective.

Mr. THOMPSON. At that time you were here in Paterson all the time?

Mr. MORGAN. Yes, sir?

Mr. THOMPSON. You were watching the progress of the strike?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Your men were out of work?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What was the attitude, if you know, if you observed it, of the authorities, say, the police, toward the strikers?

Mr. MORGAN. Well, I think the attitude of the police was very fair, under the circumstances.

Mr. THOMPSON. You think it was very fair?

Mr. MORGAN. Yes, sir; very fair.

Mr. THOMPSON. Did they cause many arrests or not, if you know?

Mr. MORGAN. There was quite a lot of arrests, but, at the same time, there was always a certain chance of disorder that they were trying to avoid. I have seen them arrest crowds of 30 or 40, and you would think it was arranged for a moving-picture show. It was such a burlesque, some being taken into the patrol wagons, and some jumping in the patrol wagon, some trying to get in.

Mr. THOMPSON. What would be the occasion of those arrests?

Mr. MORGAN. Too big a crowd congregated together, and they were afraid of disorder.

Mr. THOMPSON. Did you see any of those crowds?

Mr. MORGAN. Yes, sir; I seen several of the crowds.

Mr. THOMPSON. How would the police come—in the patrol?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. To the place?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What would they do when they got there?

Mr. MORGAN. Well, the crowd that was not dispersed, if the officer who was on watch dispersed them, they would line up a few and put them in the patrol.

Mr. THOMPSON. How did they get in the patrol?

Mr. MORGAN. Some would rush to get in; only too glad to get in, apparently.

Mr. THOMPSON. The officers never had to use any force or coercion to get them in?

Mr. MORGAN. Not any that I seen. There was force according to the newspaper reports, but I didn't see any.

Mr. THOMPSON. You didn't see any?

Mr. MORGAN. No, sir.

Mr. THOMPSON. Did the people riot at that time?

Mr. MORGAN. No, sir; not what you might term a riot.

Mr. THOMPSON. Did they seek to resist the officers?

Mr. MORGAN. Yes, sir; going through a crowd like that, there was remarks that were passed to the officers that were very insulting. I seen one down on Beach Street, where a man deliberately spit in an officer's face; and I want to say that officer had all his nerve with him when he stood for it.

Mr. THOMPSON. At those times you saw the people being taken in the patrol wagon, did the people resist and strike back at the officers?

Mr. MORGAN. No, sir.

Mr. THOMPSON. Did the people fight back?

Mr. MORGAN. Not that I seen.

Mr. THOMPSON. Did the officers at that time, so far as you saw, do anything to incite the people?

Mr. MORGAN. No, sir; as a general thing they would go through the crowds joking with them and in good humor, and try to pass it off as light as possible.

Mr. THOMPSON. Then, from your standpoint the people welcomed the coming of the patrol wagon and went with the officers?

Mr. MORGAN. Judging from the way they got in you would think so.

Mr. THOMPSON. At least, that was the way it appeared to you at that time?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What was the condition of the prisoners when they were taken into the courts, when they were arrested? Or what was done with those people, generally—taken in the patrol wagon?

Mr. MORGAN. Some were taken to jail, and some were sentenced, and sentence suspended; and different things. It is hard to say.

Mr. THOMPSON. How many courts have you here dealing with those matters?

Mr. MORGAN. The recorder's court generally dealt with those cases.

Mr. THOMPSON. How many judges sit in that court?

Mr. MORGAN. One.

Mr. THOMPSON. What was his name?

Mr. MORGAN. Recorder Carroll.

Mr. THOMPSON. Was he sitting at that time through the strike?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Did you attend the court meetings?

Mr. MORGAN. No, sir.

Mr. THOMPSON. You did not?

Mr. MORGAN. No, sir.

Mr. THOMPSON. What you know about what was done with the prisoners was general information?

Mr. MORGAN. Yes, sir; that is all.

Mr. THOMPSON. Did you hear of any cases where Recorder Carroll was said to have severely handled the people?

Mr. MORGAN. There were some cases of that kind.

Mr. THOMPSON. Generally, so far as you know, what was the attitude of the strikers toward Recorder Carroll in regard to his dealing with them?

Mr. MORGAN. Kind of antagonistic.

Mr. THOMPSON. Antagonistic?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. What was the reason, so far as you know, for that antagonistic attitude of the strikers?

Mr. MORGAN. Well, in most cases they seemed to think he gave them more than they deserved; that he was too severe with them.

Mr. THOMPSON. What reason do you form in your own mind as to why the people would jump into the patrol wagon and then object to the way the recorder would handle them?

Mr. MORGAN. It then became a more serious matter, later on, to be arrested.

Mr. THOMPSON. Then when it became a more serious matter later on, what was the attitude toward the patrol wagon when they were arrested?

Mr. MORGAN. I don't know; I wasn't there.

Mr. THOMPSON. Then you only saw this during the early period of the strike?

Mr. MORGAN. Yes, sir.

Mr. THOMPSON. Later on you didn't see them?

Mr. MORGAN. No, sir.

Mr. THOMPSON. Is there anything more, Mr. Morgan, that you would like to state in connection with what you have already spoken about?

Mr. MORGAN. No, sir; the only thing I want to state is, the reason the big strike came off was, it was a lack of organization.

Another thing, I might say as to why the strike came off, there is a lack of organization, and why there is a lack of organization is on account of the great influx of immigration to this country, where it is impossible with the class of people we have to organize them along the same lines.

Mr. THOMPSON. What is your organization doing now to organize those people?

Mr. MORGAN. To organize them?

Mr. THOMPSON. Yes.

Mr. MORGAN. We have tried and attempted different times, but it seems almost an impossibility of getting them right around. There are so many different classes, and they seem to be antagonistic to organization unless you can form an organization that will give them instant action. They want something to strike right away, and seem to think strikes is the only thing to benefit them.

Mr. THOMPSON. Is there an organization among them now of the Industrial Workers of the World?

Mr. MORGAN. Yes, sir; I think so.

Mr. THOMPSON. You probably don't know this, but if you do know I will ask you to state whether it is a strong organization or not.

Mr. MORGAN. I don't know that; I couldn't say.

Mr. THOMPSON. That is all I care to ask, Mr. Chairman.

Commissioner LENNON. I would like to ask a question.

Mr. MORGAN. Were many of the members of the fixers and twisters' union arrested during those troublous transactions of which you have spoken?

Mr. MORGAN. No, sir.

Mr. THOMPSON. Not many of your members?

Mr. MORGAN. None.

Commissioner LENNON. None of your members?

Mr. MORGAN. No, sir.

Commissioner LENNON. Now, a little about the organization. I don't know whether it is clear to the minds of all the commissioners, but your organization is a national organization, but a part of the United Textile Workers?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. That is, you have locals in Paterson and you also have locals where there are silk mills in other parts of the country?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. Did the United Textile Workers have any considerable number of local unions in this city besides those in your union?

Mr. MORGAN. Do you mean—

Commissioner LENNON. Weavers?

Mr. MORGAN. No weavers at all. They have locals in the city, but not in the weaving trade. They have knitters.

Commissioner LENNON. Tell what those were.

Mr. MORGAN. Card cutters, harness builders, warpers, knitters, and these here—there are two locals in the hosiery and glove trade.

Commissioner LENNON. Will these local unions of the textile workers, inclusive of yours, take in the membership of all who are employed in these mills and have a desire to come in?

Mr. MORGAN. No, sir. Practically those locals that are organized here have got their respective branch.

Commissioner LENNON. What about these local unions?

Mr. MORGAN. Practically they are locals organized here in their respective branches.

Commissioner LENNON. Are the other people working in the mills eligible to membership in the organization?

Mr. MORGAN. Yes; by forming another local.

Commissioner LENNON. Of the same trade?

Mr. MORGAN. Broad silk weavers, or ribbon weavers, or dyers, or anything; they could form a local at any time.

Commissioner LENNON. All eligible to membership in this United Textile Workers?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. And had been for some time prior to this trouble breaking out?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. What about the papers showing up the conditions here during the strike as being much worse than they really were? Do you mean the Paterson papers or the papers in the United States outside of Paterson?

Mr. MORGAN. Outside of Paterson.

Commissioner LENNON. Your local papers, from your viewpoint, dealt very fairly with the contest?

Mr. MORGAN. Yes; fairly well.

Commissioner LENNON. What are the principal races represented here—say, the four or five principal races represented in the textile mills?

Mr. MORGAN. Italians and Jews—I guess the Italians and Jews are predominating.

Commissioner LENNON. Are there a large number of English-speaking people?

Mr. MORGAN. No; it is as great as it used to be some years ago. They used to represent practically 80 per cent of the trade; to-day I don't think they represent more than 15 per cent.

Commissioner LENNON. Now, how long has it taken for that change to come about? How long since the 80 per cent were English-speaking people? How many years ago?

Mr. MORGAN. Well, maybe 20 years ago. I might state as the standard of wages went down the class of workers that came in got poorer.

Commissioner LENNON. Now, take these Italians first. Do you know, as a citizen of this city, whether they become citizens of the United States?

Mr. MORGAN. The Italians?

Commissioner LENNON. Yes.

Mr. MORGAN. Yes; as a general rule.

Commissioner LENNON. As a general rule?

Mr. MORGAN. Yes.

Commissioner LENNON. How about the Hebrews?

Mr. MORGAN. I guess they do, too.

Commissioner LENNON. Then most of these foreigners that come in here do become citizens of the United States in due time?

Mr. MORGAN. That is with reference to the Italians and Jews, they do. I don't know how about these Syrians and Armenians they are coming in now.

Commissioner LENNON. Are they recent employees?

Mr. MORGAN. Yes; new ones coming into the industry frequently the last year or two—within the last couple of years, sir.

Commissioner LENNON. What wages would the loom fixer or twister be able to make in the mills in this city?

Mr. MORGAN. Minimum rate of wages \$19 a week.

Commissioner LENNON. How many weeks will they work in the course of a year? Take a normal year—average year?

Mr. MORGAN. Oh, I don't suppose that in the normal year they would lose more than six or eight weeks' work on an average.

Commissioner LENNON. Then they work about 40 weeks per year, or more?

Mr. MORGAN. Depends somewhat on how they are divided up. The loom fixer is kept on after the slack period, because it is necessary even though the machine is stopped to keep him there; but that applies to the twister; it throws him out of work because he has got to be just there to put the warps in when they are running; and the fixer has got to be there more of the time.

Commissioner LENNON. Then the loom fixer works a greater number of weeks than the twister does?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. How much more?

Mr. MORGAN. I presume he would maybe get six or eight weeks more out of the year than the twister would.

Commissioner LENNON. What are the number of hours a day established?

Mr. MORGAN. Ten hours a day and five on Saturday.

Commissioner LENNON. That is 55 hours in the week's work?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. Well, does your rule as to wages and hours apply to all the loom fixers and twisters whether they are members of your union or not? Take the nonunion men—

Mr. MORGAN (interrupting). Well, as a general rule the nonunion man don't pay anything, but he gets all the benefits that we fight for.

Commissioner LENNON. What were the wages of the loom fixers and twisters 20 years ago?

Mr. MORGAN. Sixteen dollars and fifty cents a week.

Commissioner LENNON. Then there has been some increase in that 20 years?

Mr. MORGAN. Yes. The minimum now is \$19.

Commissioner LENNON. What proportion of the raw silk industry is supposed to be located in Paterson and about Paterson?

Mr. MORGAN. I should judge about 30 per cent of it.

Commissioner LENNON. That is, of the industry in the United States?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. And are New Jersey and Pennsylvania the principal manufacturing districts for that business?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. What about the ribbon mills; are they large mills?

Mr. MORGAN. Yes, sir; they are big mills in Paterson.

Commissioner LENNON. Well, is that industry also largely concentrated in Paterson?

Mr. MORGAN. Yes. I am not so concerned with the ribbon as the broad silk, as all my experience was with the broad silk. But there is more ribbon in Paterson; that is, in proportion to the men in the trade than broad silk.

Commissioner LENNON. Do the members of your union have to serve any apprenticeship?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. How long?

Mr. MORGAN. Three years.

Commissioner LENNON. Does your union enter into trade agreements with employers?

Mr. MORGAN. No, sir.

Commissioner LENNON. Not at all?

Mr. MORGAN. No, sir; only to the extent that, as I said before, verbally—that is the understanding that if they want men they have got to send to the organization and have got to pay the minimum rate of wages. Of course, if they have got some in there that won't join the organization, of course, they can keep that kind of men and we will withdraw ours from them.

Commissioner LENNON. Now, just about Paterson, you are speaking in answer to that question; but in other parts of the country do the loom fixers and twisters enter into agreements with their employers?

Mr. MORGAN. No, sir.

Commissioner LENNON. The same policy is pursued?

Mr. MORGAN. The same policy is pursued.

Commissioner LENNON. You make out a schedule of what you want, and that is all the agreement you have?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. A verbal agreement?

Mr. MORGAN. That is all.

Commissioner LENNON. How long does it usually run? Would you change that agreement in 30 days if conditions in the trade changed?

Mr. MORGAN. We have changed; the price we have changed four times in 32 years.

Commissioner LENNON. Four times in 22 years?

Mr. MORGAN. Thirty-two years.

Commissioner LENNON. Well, would your organization feel, under the policy it is pursuing, that if you made a verbal agreement, say, of this kind to-day, in two weeks from now you could make another agreement changing those conditions?

Mr. MORGAN. No, sir.

Commissioner LENNON. Then you do consider your organization, so far as the agreements are concerned, a stable one for the manufacturer?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. And a policy that can be depended upon for some considerable period of time?

Mr. MORGAN. Yes, sir. I might state that in a great many cases—I would safely say in 35 per cent of the cases—the manufacturers pay more than our verbal agreement calls for; he pays more than that.

Commissioner LENNON. That is a matter that is dealt with by the foreman or manufacturer in that work?

Mr. MORGAN. Well, it is a question of bidding for the better men in the trade.

Commissioner LENNON. How does that come about? What causes that?

Mr. MORGAN. Well, there are what you might call first-class men in the trade, and second-class men and third-class men. If a man is wanting to get hold of a first class man, he is willing to pay \$4 or \$5 a week more than the rate, and he is naturally bidding for the best men. And the best men naturally work where the best price is paid.

Commissioner LENNON. Now, are any other kind of employees in the silk industry getting the same wages or as high wages as the members of your union?

Mr. MORGAN. The warpers.

Commissioner LENNON. Do they still get higher or about the same?

Mr. MORGAN. About the same.

Commissioner LENNON. And they have also members that get more than their verbal scale calls for?

Mr. MORGAN. Yes.

Commissioner LENNON. Is this true of your members in other parts of the country?

Mr. MORGAN. Yes. In fact, the whole trouble is to get men who will leave the center here and go out to those different places, for even when a man gets a higher scale—in fact, I have had jobs I could not supply men for, although they were willing to pay \$5 or \$6 a week above the scale.

Commissioner LENNON. Is there a shortage of loom fixers and twisters in the industry?

Mr. MORGAN. No, sir. But the idea is this, you can't get men to go out of town. If you send a man out of the city to work, and he goes to one of these little one-horse towns where there is one mill, if anything happens to that mill or there is any dispute, it means that he may be a long time getting another job and will have to move his family, and if he gets \$5 or \$6 a week more he would have to be there a number of years before he would be compensated for the move; and if he gets out he would have to get a job elsewhere.

Commissioner LENNON. Are there any mills in Paterson which the loom fixers and twisters consider union mills, so far as they are concerned?

Mr. MORGAN. Oh, yes; practically all of them.

Commissioner LENNON. Practically all of them?

Mr. MORGAN. Yes; of any size. There are some little business places that you can't hardly count.

Commissioner LENNON. That is, they employ members of your union?

Mr. MORGAN. Yes, sir.

Commissioner LENNON. And the agreement is, as you have stated, only a verbal one—as you previously stated?

Mr. MORGAN. Yes, sir.

Chairman WALSH. Do you want to ask any questions?

Commissioner COMMONS. I believe you said that about 15 per cent are now English speaking, did you not?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. That is, of the whole 30,000?

Mr. MORGAN. Yes, sir. That is just an estimate. I have no method of saying positively that is so. That is the only thing I can say, that it is an estimate.

Commissioner COMMONS. By "English speaking" what do you mean? Wouldn't these Italians be English-speaking people?

Mr. MORGAN. Oh, yes; some of them.

Commissioner COMMONS. Did you include the Italians speaking English?

Mr. MORGAN. Yes; those that are born here and speak English you can hardly detect them any more. They just simply grow up like the rest does.

Commissioner COMMONS. And that would include the other nationalities, in so far as they speak English?

Mr. MORGAN. Yes.

Commissioner COMMONS. Well, you spoke about the decrease in wages. I presume that refers to all other occupations except loom fixers, twisters, and warpers?

Mr. MORGAN. Yes.

Commissioner COMMONS. Have you an idea or could you state anything that would show the decrease in wages in this period that you are familiar with?

Mr. MORGAN. Well, now that needs kind of a technical explanation. You might say, for instance, take the wages to-day and go over it, and you would say the difference ain't so great as what it was 20 years ago; but if you take what each weaver receives per yard for what he produces to-day and what he received 20 years ago you will find that the decrease is over 50 per cent.

Commissioner COMMONS. Well, take the wages which he receives per week and for the year, there would be no decrease there?

Mr. MORGAN. Yes; I think there would be some decrease there, too.

Commissioner COMMONS. Have you an idea as to how much the increase would be?

Mr. MORGAN. I should think about 20 years, or maybe 25 years ago, in the broad silk an average weaver's wages ran about \$13 or \$14 a week, and I don't think to-day they will average more than \$9.50 or \$10; that is, take it on an average.

Commissioner COMMONS. That is, we will say, from \$14 down to \$10—

Mr. MORGAN (interrupting). From about \$13 to \$10?

Commissioner COMMONS. About from \$13 down to \$10?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. How long ago was that in comparison with?

Mr. MORGAN. About 25 years ago.

Commissioner COMMONS. What nationalities were working at \$13, at that wage at that time?

Mr. MORGAN. Well, English, French, German, Scotch—was the predominating, and quite a little Italians, but not so much so.

Commissioner COMMONS. And those that now are getting \$10 are mainly Italians and Jews?

Mr. MORGAN. Mostly Italians and Jews. Of course, the Armenians and Syrians are coming in quite fast now; at the present time there is quite a crowd of them.

Commissioner COMMONS. Of these weavers what proportion of the 30,000— and does that include all the employees?

Mr. MORGAN. That includes everything, dyers, weavers—

Commissioner COMMONS. And broad silk?

Mr. MORGAN. Yes, sir; I should judge there would be maybe 7,000 broad-silk weavers.

Commissioner COMMONS. And how many, altogether, in the broad-silk industry, or do you distinguish?

Mr. MORGAN. Well, that is pretty hard—to divide them up.

Commissioner COMMONS. How many of the weavers out of the 30,000 employees in all branches—

Mr. MORGAN. I said about 7,000 broad silk.

Commissioner COMMONS. And how about the ribbon?

Mr. MORGAN. Well, as I told you before, I was not so much concerned with the ribbon, as I did not follow that branch. In fact, I think myself, in noticing the line of witnesses here, while the ribbon industry is a big industry, you have not got a man from the ribbon weavers from the labor side; and yet it is bigger than the broad silk.

Commissioner COMMONS. What is the next occupation, with reference to number, to the weavers?

Mr. MORGAN. Dyers.

Commissioner COMMONS. How about their wages—have they changed in the last few years?

Mr. MORGAN. Of course, the dyers and helpers, I guess, have increased a little, because they were so remarkably low.

Commissioner COMMONS. The dyers?

Mr. MORGAN. Yes; well, the dyers, I couldn't say; but there aren't many dyers in a dyehouse, although there may be a big mass of people working there, but they are mostly helpers than anything else.

Commissioner COMMONS. Do you know what the helpers get?

Mr. MORGAN. I guess they get about \$11 a week or \$12 a week now.

Commissioner COMMONS. They get more than the weavers?

Mr. MORGAN. No. You asked me before what was the average wages per week. Now you ask me what the dyer gets. Now, that is not his average. Maybe he gets \$11 a week, and won't work but half the year. That brings his wages down to about \$5.50.

Commissioner COMMONS. The weavers' pay is all by piecework?

Mr. MORGAN. Well, practically all piecework; that is, in broad silk. In ribbons I believe it is mostly daywork.

Commissioner COMMONS. And the dyers are paid by the week?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. Well, what can a weaver make on this four-loom basis in the broad silk?

Mr. MORGAN. Well, that is a big question to ask.

Commissioner COMMONS. If he has steady work through the week?

Mr. MORGAN. Well, that's a big question. A great deal depends on the class of work and what kind of a weaver he is. I might say that some of them may be as low as \$12 and some of them run as high as \$28.

Commissioner COMMONS. I am trying to get the extreme range. What would you say would be the highest a weaver would make—a good weaver—on a good machine and having the maximum pay?

Mr. MORGAN. Well, the best of them will run \$25, \$26, \$27, and maybe \$28. Likely you will be hearing before you get done something about these wages; but at the same time there are others that don't make much more than \$12.

Commissioner COMMONS. But the average through the year, counting unemployment, would be about \$10?

Mr. MORGAN. I was not talking about a four-loom weaver. I was talking about the one, two, and three. You asked me the average wage. That would be a big thing to answer.

Commissioner COMMONS. Yes; it is; and I don't want that, but I want the range; but now the issue, as I understand, is between the one, two, three, and four looms?

Mr. MORGAN. That was the issue; yes, sir.

Commissioner COMMONS. The men do now work mostly on three and four looms?

Mr. MORGAN. No, sir; mostly on two looms. A great deal depends on the class of work. Some men on some work can't hardly run one, and some will run two, and on the cheaper varieties they may run three and four. On some kinds of work it is a hard job for the weaver to run one loom.

Commissioner COMMONS. Has there been any official report made of wages by the State bureau of labor statistics or any other commission or body that you know of?

Mr. MORGAN. There has been one issued by the United States and sent out here a couple of days ago. I got a copy of it.

Commissioner COMMONS. Does it give these figures?

Mr. MORGAN. Gives the average wages.

Commissioner COMMONS. Does it give the class of wages or different wages?

Mr. MORGAN. Yes, sir; it classifies the weavers, the loom fixers, the twistors and warpers, and all that, and also the difference between the wages here

and in Pennsylvania. The great evil that we have had to fight against has been child labor in Pennsylvania. The wages on an average are 20 per cent lower in Pennsylvania than in New Jersey.

Commissioner COMMONS. When the four-loom proposition came in, did it mean that one man should attend four looms when formerly he had been attending to two?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. Had there been improvements made in the loom?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. Made a little more automatic?

Mr. MORGAN. A little bit. The new ones have got the warp stock motion on. Formerly they did not use those, but with those, in case a thread breaks out, the loom stops automatically.

Commissioner COMMONS. You are a loom fixer?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. And in your judgment, how many looms can a fixer take care of?

Mr. MORGAN. Just depends on the class of looms they are. Different classes vary—box looms, swivels, and plain looms—and all depends on the class of looms.

Commissioner COMMONS. The loom fixer is responsible for keeping those looms in running condition?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. Now, with these improvements that have come in in the last few years, does the weaver have to work harder on running four looms than on running two in these cases where you claim his wages have been cut down?

Mr. MORGAN. Well, that is another hard proposition to handle, because weavers practically answer that there is. Some says it is hard work and killing work, and some that are doing it say that they would rather do that than run two. Which is correct I don't know. I have not worked in the mill for 17 years, though I have watched them; though I know from practical experience that men can run four looms; and I know men that have been doing it for five years in the State of Pennsylvania. I think that as much as anything has caused the competition on cheap grades of goods and has forced the four-loom issue here. That is what I believe has forced it.

Commissioner COMMONS. Well, if the efficiency of the machinery has so greatly increased, it might very well be that the wages would be very much smaller in proportion to the amount of work they did and still the weavers get much more pay? Has that been—

Mr. MORGAN. They get much more pay, but they produce much more cloth and do not get as much more pay.

Commissioner COMMONS. Well, you said on an average they had been reduced?

Mr. MORGAN. Yes, there has been a big reduction if you take the amount of yardage they turn out.

Commissioner COMMONS. But not comparing with the yardage?

Mr. MORGAN. Well, that is the only way to compare it. If a man produces something he ought to be paid something for that production. He ought not to get less for producing more.

Commissioner COMMONS. Would these looms be more expensive than the old ones?

Mr. MORGAN. Well, a little difference; not much.

Commissioner COMMONS. Is there more wear and tear on them?

Mr. MORGAN. No, I don't know that there is.

Commissioner COMMONS. Do the companies have to arrange, then, for more efficiency to operate?

Mr. MORGAN. If you operate four looms on a proper basis, yes; the plant has got to be changed entirely. It has got to be changed entirely and equipped for that kind of work; otherwise you couldn't run it successfully. You take our old-line mills, and they started in to run three and four looms on that work that was being done successfully in other mills, and they couldn't do it. It would be impossible for the workers to run them.

Commissioner COMMONS. Then you have got to install that four-loom system, which means a practical rearrangement?

Mr. MORGAN. He has got to equip his plant in its entirety for that kind of work. And I may state that when they started here first off they made a

reat big failure. They didn't know really what they had to do, and they had to dig around, and it cost a good many thousands of dollars before they quipped it and got it in shape to run it.

Commissioner COMMONS. Does it take a larger force of loom fixers to take care of those machines?

Mr. MORGAN. No, sir; just about the same.

Commissioner COMMONS. But it does take considerable more expense and verhead expense to keep them in operation?

Mr. MORGAN. To equip it; yes—in the first equipment; yes, sir.

Commissioner COMMONS. But afterwards in operating it does not take anything more?

Mr. MORGAN. No; I should not think so.

Commissioner COMMONS. So that the companies did put in some more investment in order to get this increased output for each employee?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. And from that it might follow that the employee would hardly be entitled to all the increased output?

Mr. MORGAN. Oh, no; he is not entitled to all of it, I don't suppose.

Commissioner COMMONS. There is a question there of how to divide it?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. Would you say that the speed and the strain upon the workers has been increased by these improvements?

Mr. MORGAN. Yes; I think it has. And I also think that the strain of a silk worker, upon his eyes especially—that 10 hours a day is too long. It is not heavy work, but it is tedious work, and he has got to be testing his eyes, and by 28 or 30 everyone has got to be wearing glasses, and you come and apply for work with your glasses on and they don't want you, and you take some of these looms with 89, 90, and 100 dent reels and 90 splits of steel to the inch, and you have got to feed these divisions; and it is very hard on the eye; and when it comes to working in there by electric light or gaslight that strain on the eyes is too much, and they should not be compelled to work in artificial light.

Commissioner COMMONS. And you think that strain is increased in running a larger number of looms, and that there is an increased strain?

Mr. MORGAN. Well, if you have got four to watch, you have got more than when you have one or two or three.

Commissioner COMMONS. Are women employed as weavers?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. What would be the proportion between men and women?

Mr. MORGAN. Oh, I guess about evenly split up—about 50 and 50 each.

Commissioner COMMONS. Do they earn as much wages as the men?

Mr. MORGAN. Yes; as a general rule. They get paid the same rate.

Commissioner COMMONS. There is no physical exertion connected with the work?

Mr. MORGAN. No, sir—well, there is a certain amount of physical exertion.

Commissioner COMMONS. Women can turn out as much as men?

Mr. MORGAN. Well, that is according to the class of work. A man would have the advantage for heavy work in figured and Jacquard work it takes a strong man to run, and the others that are light and easy running any girl of 16 or 18 years of age can run after they learn the business.

Commissioner COMMONS. Has the proportion of women increased or decreased in this 20 years?

Mr. MORGAN. I think the proportion of women has increased.

Commissioner COMMONS. More women now.

Mr. MORGAN. Yes. You understand 25 years ago the general class of work that did Jacquard and figured work required, of course, considerable climbing. The Jacquard machines are elevated about 7 feet above the looms, and necessarily the weavers have got to go aloft once in awhile, and a woman necessarily couldn't do that unless she wore bloomers.

Commissioner COMMONS. Why is it the organizers of the American Federation of Labor can not reach these different nationalities? Is it mainly the question of language difficulty?

Mr. MORGAN. I don't know. I will tell you, however, in my opinion it seemed to be that the influx of immigration around in and about New York is so great that by the time you get a few of them together and get them educated along the lines of benefits of trade associations there is another big bunch

in and you have got to educate them, and those you have educated drift off somewhere else.

Commissioner COMMONS. Well, take the Italians. They started in evidently, from what you say, about 20 years ago?

Mr. MORGAN. About 25 years ago.

Commissioner COMMONS. There must be a number of Italians that speak English and are pretty well familiarized with the principles of federated labor?

Mr. MORGAN. Oh, yes.

Commissioner COMMONS. Now, don't they serve as leaders and organizers amongst the newer Italians that come in?

Mr. MORGAN. It is a peculiar thing, as I told you before, that I can't understand, but amongst those men when you form an organization they want instant action. Now, you know, as well as any man does if he knows anything about organization, you have got to protect your organization and you have got to educate your people and you have got to build up your fund and you have got to lay your plan how you are going to succeed. But these people seem to want instant action. If an organization is formed to-day, they want a strike to-morrow. That is a proposition.

Commissioner COMMONS. Is this true of the English-speaking Italians?

Mr. MORGAN. Well, there are very few English-speaking Italians—they do not predominate amongst them.

Commissioner COMMONS. I know; but how do they look upon it; are they as hasty as these others?

Mr. MORGAN. They don't seem to be willing to stick to any organization any length of time unless they have a strike. I have seen 50 organizations in my time in this city of all kinds and descriptions.

Commissioner COMMONS. When did the Jews begin to come in in number?

Mr. MORGAN. About 10 or 11 years ago.

Commissioner COMMONS. Are there many of them that speak English?

Mr. MORGAN. Oh, yes; quite a lot speak English.

Commissioner COMMONS. How are they on this proposition?

Mr. MORGAN. Well, if they call a meeting of the Jews you don't know whether you come to any settlement if you did, and they would all talk at once. I don't know what it would come to after you got them together.

Commissioner COMMONS. Is that true of the English-speaking Jews?

Mr. MORGAN. Well, I don't know. They all talk in their own language when they talk together and they seem to want to have an organization of their own.

Commissioner COMMONS. Have you any idea that the employers could arrange any system of taking care of these grievances of these non-English-speaking people, these unorganized people, distinct from the recognition of a union?

Mr. MORGAN. That is a hard proposition. You see, for instance, the manufacturers of this city tell us that if it was not for a question of Pennsylvania—if Pennsylvania would come to the nine-hour day, they would gladly do so, but it is a very peculiar feature of the thing that many manufacturers in Paterson have their annexes in Pennsylvania. You can see the point.

Commissioner COMMONS. Is there a tendency to move to Pennsylvania?

Mr. MORGAN. You mean a tendency now to move to Pennsylvania?

Commissioner COMMONS. Yes.

Mr. MORGAN. No, sir. We headed that work off a number of years ago, and have done lots of organizing work and got considerable increases in Pennsylvania, and the inducements are not as great in Pennsylvania as they used to be.

Commissioner COMMONS. More nearly equalized?

Mr. MORGAN. It is coming up.

Commissioner COMMONS. Are the warpers organized?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. Do they have a local of warpers?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. And conducted like the loom fixers?

Mr. MORGAN. Much on the same plan.

Commissioner COMMONS. As to minimum and no agreement?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. Why do you not have written agreements?

Mr. MORGAN. What is the use of having them if you get it without them? It always leaves you at liberty. What's the use of going to a firm and asking them to sign an agreement for something you have already got and always have been conceded?

Commissioner COMMONS. Does the firm ever ask you——

Mr. MORGAN (interrupting). To enter into agreements?

Commissioner COMMONS. Yes.

Mr. MORGAN. No; it seems to be so long established they take it as a fixture.

Commissioner COMMONS. I have figured that there are on an average eight loom fixers and twisters to an establishment of a hundred—take a factory that has a hundred employees, it will have about eight loom fixers.

Mr. MORGAN. Not that many if it is plain work. The loom fixer will run 50 looms, and that represents 25 weavers.

Commissioner COMMONS. But taking all the force of the establishment.

Mr. MORGAN. Would not be that many. You see, four loom fixers then would employ a hundred and if you add the others there would be about 200, including warpers and twisters and all.

Commissioner COMMONS. Including the weavers and all there is?

Mr. MORGAN. Yes, sir.

Commissioner COMMONS. And how many warpers?

Mr. MORGAN. About six warpers, six or eight. A great deal depends on the class of work. Now, on some classes of work you will need three times as many warpers as on a different class of work.

Commissioner COMMONS. Then, from what you say, about 10 people out of 130 that are now organized or capable of being organized in the industry would be about the extent of it?

Mr. MORGAN. About eight.

Commissioner COMMONS. About eight?

Mr. MORGAN. About 8 out of every 100.

Commissioner COMMONS. That you consider are capable——

Mr. MORGAN (interrupting). That is, that we have been successful in organizing. I don't say "capable." We have tried time and time again to form locals for the American Federation of Labor and independent organizations of all kinds and every one of them has seemed to fail, and they all seemed, as soon as organized, to want an instant strike.

Commissioner COMMONS. Do you know whether or not these meetings of the federation have been broken up because the organizers are charged with being fakers—I think you made that statement?

Mr. MORGAN. Oh, they charge them with everything.

Commissioner COMMONS. Have there in times past been organizers of the Federation of Labor who have proven faithless to these people?

Mr. MORGAN. None; as I know of in this city.

Commissioner COMMONS. No one has ever run away with the funds?

Mr. MORGAN. Well, I might state that there have been little local organizations where I believe the treasurer has been unfaithful once or twice.

Commissioner COMMONS. But you don't know of any case where they have been sold out by their organizer?

Mr. MORGAN. Not that I know of.

Commissioner COMMONS. So you feel that there is no real justification on the part of these people in calling the federation of labor fakers?

Mr. MORGAN. None whatever. They have always tried and have always done their best every time a call has been sent to come here and organize; and if there is any fault it is with the workers themselves. Of course, you go about the streets and you can hear different people talk and say this is so or that is so, and they will maybe make an accusation against representatives of the federation of labor; but you ask them if they will come up to that labor man and tell him that he is a faker and you will find out he will back out and he is not willing to come to the front and tell his story. And any man that tells a story and isn't willing to come to the front and tell it is not worth listening to.

Commissioner COMMONS. Then, respecting all this great proportion—probably 90 or 95 per cent of the workers in the industry—who have not been able to organize, the main difficulty is this excitable nationality?

Mr. MORGAN. It appears to be that; although I still believe in persisting and in trying to get them in line. We might find some way if we keep on trying. Every once in a while you will gather a few more to it anyhow.

Commissioner COMMONS. Have you any information as to the work the employers have done in the matter of what is called welfare work?

Mr. MORGAN. No.

Commissioner COMMONS. Or scientific management or anything of that kind?
 Mr. MORGAN. No, sir.
 Commissioner COMMONS. I think that is all.
 Chairman WALSH. That is all, thank you, Mr. Morgan.

TESTIMONY OF MR. HENRY DOHERTY, JR.

Mr. THOMPSON. Will you give us your name and address?
 Mr. DOHERTY. Henry Doherty, jr., Clifton, N. J.
 Mr. THOMPSON. And your business, please.
 Mr. DOHERTY. Silk manufacturer.
 Mr. THOMPSON. In New Jersey here?
 Mr. DOHERTY. Yes.
 Mr. THOMPSON. What kind of silk do you manufacture, Mr. Doherty?
 Mr. DOHERTY. Broad silks.
 Mr. THOMPSON. How many people do you employ in your mill, or do you have any more than one mill?
 Mr. DOHERTY. Two; one in Paterson and one in Clifton. In the Paterson mill we employ between 600 and 700, and in the Lake View mill we employ about 700.
 Mr. THOMPSON. What is the extent of the silk industry of this city as compared with the industry there, is it larger in Paterson?
 Mr. DOHERTY. Yes; by far.
 Mr. THOMPSON. How many employees are employed in that industry here, if you know.
 Mr. DOHERTY. I don't know. I should judge about 50,000; between 30,000 and 50,000.
 Mr. THOMPSON. If this is a fair question, how does your mill compare in size with the mills around the city?
 Mr. DOHERTY. I think it is about the largest.
 Mr. THOMPSON. What would be the size of the average mill?
 Mr. DOHERTY. The average mill I should judge would be about 50 looms.
 Mr. THOMPSON. How many looms are you operating?
 Mr. DOHERTY. A little over a thousand—about 1,002.
 Mr. THOMPSON. About 1,000 looms?
 Mr. DOHERTY. Yes, sir.
 Mr. THOMPSON. Take the mill at Clifton; I think you said you had 700 people there?
 Mr. DOHERTY. Yes, sir; about.
 Mr. THOMPSON. About how would that be divided as to classes of employees?
 Mr. DOHERTY. What do you mean, male and female?
 Mr. THOMPSON. Well, how many weavers and how many warpers and how many twistors and how many loom fixers and how many dyers?
 Mr. DOHERTY. Well, the warpers I think we have about 52; and weavers we have about 350 or 400; and the rest are winders, quill winders, and general helpers in and about.
 Mr. THOMPSON. What is the proportion of loom fixers?
 Mr. DOHERTY. One to every 50 looms.
 Mr. THOMPSON. And twistors?
 Mr. DOHERTY. Of twistors we have 31.
 Mr. THOMPSON. And warpers I think you said you had 52?
 Mr. DOHERTY. About 52.
 Mr. THOMPSON. How long has your firm been in existence and doing business here in Paterson?
 Mr. DOHERTY. The Henry Doherty Silk Co. has been doing business here about 14 years. My father has been in Paterson ever since there have been six-hand looms in Paterson, and he used to weave with one of them.
 Mr. THOMPSON. Did you say that 14 years you have been connected with the business?
 Mr. DOHERTY. Yes, sir.
 Mr. THOMPSON. Mr. Doherty, it has been stated here that the weavers of your company made a demand on you in regard to this installation of the four-loom system—three and four loom system. Now, tell us what the condition was before you put that system in; what change was made at the time.
 Mr. DOHERTY. When we built the new mill we adopted the four-loom system, and we built the mill to meet those conditions and we put all the improvements on; and at that time it was a union shop all the way through as to loom

fixers, warpers, and they belonged to the federation of labor; and business got very bad and we laid off—I believe we had only about 150 working for us, and of course, then they got disorganized and went to different places, and some went out on the trolley cars, and some left altogether; and then there came a little spurt; and before that our main thing was hard silk and taffetas; and then we began to make messalines and there was a big demand for those and they were usually made in Pennsylvania and we had uniform prices; that is, the shop price list was 8½ cents for two looms, and then we had a three-loom price and a four-loom price, but for messalines our price called for 8½ cents, whereas in the city of Paterson and other mills were paying 7½. And so we couldn't afford to compete on the two looms, so we put it all on the four looms; so with the two-loom weavers there was a little dissatisfaction and they claimed that they were thrown out of work.

Mr. THOMPSON. Now, just a moment before we complete this mill equipment—this mill was equipped with modern machinery so as to work three and four looms?

Mr. DOHERTY. All new machinery. We had four mills before that, but we built this new one.

Mr. THOMPSON. And you used the same employees in this new mill that you had in the others?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. Then these employees that you had put in the new mill had been used to one and two looms?

Mr. DOHERTY. No, sir; they were used to two and three looms, and we had adopted this four-loom system when we built the mill.

Mr. THOMPSON. How long ago did you build the mill?

Mr. DOHERTY. About four years ago.

Mr. THOMPSON. Mr. Morgan stated on the stand this morning that there had been a change by which you changed from the one and two loom system to the three and four loom system, and that he, representing or appearing for the weavers, had several conferences with the representatives of your firm in regard to this change of system.

Mr. DOHERTY. That was before we ever built the new mill, and they agreed to it and signed an agreement that they would adopt the four-loom system if we started up in Paterson under modern conditions. At that time it existed down East and we went all through their mills down there where they were doing it.

Mr. THOMPSON. Mr. Morgan stated this morning that he saw you several times about it last year, about three or four weeks before the strike broke out, which was a little over a year ago. Do you remember those conferences?

Mr. DOHERTY. Yes; I remember Mr. Morgan and meeting him several times.

Mr. THOMPSON. And he said that he was not able to bring about any result to the negotiation between yourself and the weavers?

Mr. DOHERTY. That is right.

Mr. THOMPSON. That you said that in Pennsylvania they were using this three and four loom system on this same kind of cheap silk and you couldn't see why you couldn't use it?

Mr. DOHERTY. They used it here in Paterson four years before that in the Brilliant Silk Co.

Mr. THOMPSON. But I say, was the conversation as he stated it about right?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. Then there was an objection on the part of the weavers to an alleged change which they said had taken place, and which he says took place some time before this controversy?

Mr. DOHERTY. Now, we always ran four looms in the new mill ever since it was built, and the strike happened a year after—two years after the mill was built.

Mr. THOMPSON. Then, at the time Mr. Morgan had these conferences with you, I mean these where the four-loom proposition was discussed, they had already been in use in this very mill for two years?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. And you state that part of the institution of this three and four loom system, you had an arrangement or agreement with the union permitting you to do that?

Mr. DOHERTY. Permitting us to do that.

Mr. THOMPSON. Was that agreement in writing?

Mr. DOHERTY. Yes, sir; I believe so.

Mr. THOMPSON. Have you got a copy of it?

Mr. DOHERTY. I haven't it here; but I can get it.

Mr. THOMPSON. Will you furnish it to the commission?

Mr. DOHERTY. I think so; yes, sir.

Mr. THOMPSON. What other conferences or meetings with your employees did you have after this, to which Mr. Morgan has testified, as taking place between yourself and your firm before the strike began?

Mr. DOHERTY. Of course, as I said, there was one big demand for messalines at the time, so we put them all into four looms and the weavers that were weaving two-loom taffetas, we had the work for them, so we adopted the four-loom system throughout the shop, and that caused some dissatisfaction.

Mr. THOMPSON. You adopted the four looms throughout the shop for taffetas?

Mr. DOHERTY. No, sir; for messalines.

Mr. THOMPSON. You run your whole shop on that kind?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. And dropped the taffetas, the two-loom silks, at that time?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. What kind of silk were you running at the time of the strike?

Mr. DOHERTY. At the time of the strike we were running principally the messalines.

Mr. THOMPSON. How does that differ from the other silks?

Mr. DOHERTY. A very easy weave. It is a satin weave. It is much easier. It is not a hard work.

Mr. THOMPSON. Is that easier weaving to watch on the part of the weavers?

Mr. DOHERTY. To watch?

Mr. THOMPSON. Yes, sir.

Mr. DOHERTY. No; it is no easier to watch, but it does not need as much watching; the ends do not break as easily.

Mr. THOMPSON. Something has been said here with reference to the number of strands to the inch. Will you tell us briefly how one of those new looms are built. How many strands they have across the loom, if you know?

Mr. DOHERTY. How many what is that?

Mr. THOMPSON. They said a great many—70 or 80 strands to the inch.

Mr. DOHERTY. Seventy or eighty?

Mr. THOMPSON. Yes.

Mr. DOHERTY. No; we never went on the four looms higher than 57-dent, 3-thread.

Mr. THOMPSON. Across the whole loom, how many threads?

Mr. DOHERTY. About 6,100.

Mr. THOMPSON. About 6,100?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. Would the same number of threads be woven on the two silks?

Mr. DOHERTY. On the what?

Mr. THOMPSON. Two kinds of silks?

Mr. DOHERTY. Yes. What do you mean by the—two loom or four loom?

Mr. THOMPSON. No; I don't mean two looms, I mean two kinds of silk.

Mr. DOHERTY. Yes.

Mr. THOMPSON. What is required of a weaver when he performs his work in watching a loom?

Mr. DOHERTY. In watching a loom?

Mr. THOMPSON. Yes; in taking care of his duties as a weaver?

Mr. DOHERTY. Well, if he was running one loom, I would consider it very hard work, for the simple reason that if you run one loom you have to watch it all the time, where, if you get a loom where you get 80 per cent production out of it, that loom only requires watching twice a day. The weaver only works when the loom is stopped. If the loom is working, the weaver has no work, and as soon as you can get a loom to perfection, as they have in the cotton mills, where they go home and leave the looms running, as soon as they have that done, we won't need weavers.

Mr. THOMPSON. What does he do? He comes there in the morning and takes care of his four looms. What does he do? Does he wait until the looms stop, or does he watch the threads? Who stops the machine, or do they stop automatically?

Mr. DOHERTY. Most of them do on the four looms.

Mr. THOMPSON. They stop automatically?

Mr. DOHERTY. Yes.

Mr. THOMPSON. How about four looms?

Mr. DOHERTY. Well, 60 per cent of them do on the four looms now.

Mr. THOMPSON. It causes—tell what causes the loom to stop automatically, and what the operator does?

Mr. DOHERTY. Well, this is an improvement on the loom that costs us about \$50 apiece.

Mr. THOMPSON. What stops it?

Mr. DOHERTY. The ends breaking, and that stops it.

Mr. THOMPSON. One thread breaking stops the loom.

Mr. DOHERTY. Yes.

Mr. THOMPSON. As I understand you, when the weaver is there he don't have to look at the machines at all while they are running?

Mr. DOHERTY. No.

Mr. THOMPSON. Only when they are not running?

Mr. DOHERTY. No. But the principal thing in running four looms is to get good silk. There are three gradings of silk. You can buy Best No. 1, which means—most men do that, and they could not run two looms nor one, and you can buy extra and double extra, and that is the kind we have, and weavers can run more looms.

Mr. THOMPSON. That is up to the manufacturer?

Mr. DOHERTY. Yes.

Mr. THOMPSON. How often do these looms stop, these automatic looms, with a brake on them?

Mr. DOHERTY. How often?

Mr. THOMPSON. Yes; how often? Very often?

Mr. DOHERTY. Well, I could tell better by telling the yardage we get off the looms. We get 90 per cent production in some looms; that is only one hour a day that a loom is stopped, during the whole day; that is for changing quills and filler, and everything.

Mr. THOMPSON. If all the weaver has to do is to attend the loom when stopped automatically and fix up his threading, it would seem from your statement that he could tend to more than four, perhaps?

Mr. DOHERTY. What is that?

Mr. THOMPSON. He might easily attend to more than four?

Mr. DOHERTY. Yes.

Mr. THOMPSON. It doesn't take long only to thread the breaks, does it?

Mr. DOHERTY. No; it just depends on how good the weaver is.

Mr. THOMPSON. And from your statement, apparently, a man could attend probably six or eight looms instead of four?

Mr. DOHERTY. No; I would not say that, because if you had—say you have got 90 per cent production out of a loom; that is one hour per day for one loom; for four looms that would be four hours, and eight looms it would be eight hours, and someone would be standing all the time. If a manufacturer does not get in Paterson 75 per cent production out of a loom he will have to stop; you can go back to two looms.

Mr. THOMPSON. Going back to these conferences with your employees, was there any further conference or notice, either with you—or notice given to you before the men stopped work at your mills, other than this conference you had with Mr. Morgan?

Mr. DOHERTY. Yes; I did not finish that other, what I was going to say. In this conference, when we adopted the four looms, it was a strike between the four-loom weavers and the two-loom weavers, because the four-loom weavers were satisfied. They were making big money. So, then, the two-loom weavers, they had a meeting and they came down to the office and met my father, and they said, "We represent the whole mill, this committee." So he said, "If you represent the whole mill, there is nothing else for us to do; you will have to strike. We are going to adopt the four-loom system." So they stopped and got the whole mill out at that time, and I went to the hall myself and met them, and there was only the two-loom weavers there, not any of the four-loom weavers, and the next day, why, they met, and I met them, and I said, "We will promise to do away with the four looms. We don't want to run the four looms, because," I said, "if we can run the two looms as cheap as anybody else, that is all we want, because a man can watch two looms better than four, and we would rather have a man running one

loom, because we might get better work out of it." They said, "If you will try it for 30 days, running two looms, we will accept a price of $7\frac{1}{2}$ cents," which they are paying around Paterson, which was less by a cent than we are paying for two looms, and they all came back and started work again, and they were only working three hours and the four-loom weavers came downstairs and said, "No."

They had a committee, and they said, "Why should we work for \$14 a week when we are making \$21 for the sake of a lot of poor weavers?" And my father said, "The other committee said they represented the whole mill." Then the other committee shut off and they said, "We won't work." And they decided that they would have a strike, so we said, the only thing we will do, we will keep the price list, and they went out on strike, and they were about 60—and the four-loom weavers came out, and they were about 60 workers, and they were not on strike on the four looms, there was no strike at all, but they had a demonstration in front of the mill and brought them out. We turned them out ourselves, in fact, the four-loom weavers, so that there was not any strike on four looms in Paterson. It was the two-loom weavers, generally, all through Paterson, causing the trouble, being they were on four looms. That was the biggest—

Mr. THOMPSON (interrupting). The two-loom weavers went out on strike?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. And the four-loom weavers stayed in your place?

Mr. DOHERTY. No; they followed them out. They attended the meeting in the hall, we had to put them out, in fact. They were arguing all the time in the mill.

Mr. THOMPSON. I understood from you that the two-loom weavers were willing to accept the $7\frac{1}{2}$ -cent price?

Mr. DOHERTY. Yes.

Mr. THOMPSON. That the four-loom weavers said, "We won't do that; we are making \$21 a week, why should we accept \$14 for the poor workers?"

Mr. DOHERTY. Yes.

Mr. THOMPSON. And when the strike was called, however, they all went out on strike?

Mr. DOHERTY. No. When we attended the meeting the committee was made up of two-loom weavers, and we asked them, "Do you represent the whole mill," and they said, "Yes," but there was not a four-loom weaver on the committee. So they did not represent the whole mill; they only represented the two-loom weavers. Then we agreed to try it for 30 days if they would accept and go on the two looms and would do away with the four looms. And they came back, and the four-loom weavers came back, and said no; we are accepting and giving up \$7 a week."

Mr. THOMPSON. I understand that, but I want to get at as to whether, when they came to strike, did they strike together, unitedly?

Mr. DOHERTY. Yes. They held meetings in the hall, different meetings, trying to fix it up among themselves, and then the strike took place, and lasted two days, and the four-loom workers came back at the end of two days, and I believe a good many warpers and fixers were working at the same time, and there was no strike on the four looms.

Mr. THOMPSON. You said you have 350 weavers?

Mr. DOHERTY. Yes.

Mr. THOMPSON. How many of those two-loom weavers and how many four-loom weavers?

Mr. DOHERTY. There were more two-loom weavers than four-loom weavers.

Mr. THOMPSON. Well, about what proportion? One hundred and fifty four-loom weavers and 200 two-loom weavers?

Mr. DOHERTY. That would be a pretty hard question, because that is the time we were adopting and putting the weavers on four messalines. I believe 60 per cent of the four-loom weavers came back.

Mr. THOMPSON. Sixty per cent?

Mr. DOHERTY. Yes; 60 per cent of them.

Mr. THOMPSON. I thought just 60 of them?

Mr. DOHERTY. No; 60 per cent of the total number.

Mr. THOMPSON. Then 40 per cent stayed out on strike?

Mr. DOHERTY. Yes; not that they did not want to come back, but I would not work myself during the strike, to tell the truth.

Mr. THOMPSON. From what you have stated, your wages that you have been paying are above the average in the city here?

Mr. DOHERTY. Yes; we have a pay-roll book that if anybody wants to go over it we will produce it and show it to them. Every one in the mill, take hangers and quillers and winders, and little boys, everything, the average is \$16 40 a week. We were in business 14 years before that, and our average used to run about, when we first started in business, about \$11.

Mr. THOMPSON. After these two days, when part came back—60 per cent of the four-loom weavers—how soon did the rest come back?

Mr. DOHERTY. Well, they—one or two, I think, they came, but after, I should judge, about 100 weavers; that is all four-loom weavers. They were all four-loom weavers that came back.

Mr. THOMPSON. All of them came back?

Mr. DOHERTY. Not all, because there were—

Mr. THOMPSON (interrupting). Well, about how long—two or three weeks altogether?

Mr. DOHERTY. Yes; they kept coming back right along. Out-of-town weavers kept drifting in, and taking their jobs.

Mr. THOMPSON. How many weavers have you got altogether at the present time? Did you say 350?

Mr. DOHERTY. About that, I should judge.

Mr. THOMPSON. When did these extra men start to come back? Were they your old two-loom weavers?

Mr. DOHERTY. When the strike was declared off; that was, I think, July 27 or 29.

Mr. THOMPSON. And the strike occurred in February?

Mr. DOHERTY. Yes; in our place they started the strike in January.

Mr. THOMPSON. In January?

Mr. DOHERTY. Yes.

Mr. THOMPSON. Then you say these two-loom weavers stayed out until the strike was terminated?

Mr. DOHERTY. No; not—you mean the two-loom weavers?

Mr. THOMPSON. Yes.

Mr. DOHERTY. Yes.

Mr. THOMPSON. This difference, you stated, between the two bodies sort of kept up throughout the strike?

Mr. DOHERTY. Yes. The reason why the two-loom weavers kept away was because we had no use for them on that class of work, which we haven't to-day. We won't make it on two looms. That was our equipment. We can't afford to do it.

Mr. THOMPSON. When they came back, who came first, the four-loom weavers?

Mr. DOHERTY. Yes; that is what we are running there now.

Mr. THOMPSON. And paying your rate of 8½ cents now?

Mr. DOHERTY. No; that was the two-loom price, and we paid on four looms 6½ cents, and pay for it at the same price to-day.

Mr. THOMPSON. During the time the strike was on, did you have an association of master weavers in this town, manufacturers?

Mr. DOHERTY. Yes, sir. Several meetings; yes, sir.

Mr. THOMPSON. Have you got an association of silk manufacturers?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. About how many members have you?

Mr. DOHERTY. I don't know; I couldn't tell you. Some of the other members could.

Mr. THOMPSON. Did it pretty generally consist of the membership of the manufacturers here?

Mr. DOHERTY. Yes, sir; only a good many of them have annexes in Pennsylvania.

Mr. THOMPSON. I am trying to get at your organization. You had an organization of silk manufacturers here?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. And generally it embraces the silk manufacturers of this city?

Mr. DOHERTY. Oh, no; there is only a small majority represented on the silk manufacturers here in Paterson; the biggest majority are not in the association at all.

Mr. THOMPSON. Is there an association composed of the larger or smaller manufacturers?

Mr. DOHERTY. Larger.

Mr. THOMPSON. What percentage of the production of silk do they represent?

Mr. DOHERTY. I would not want to say, because I don't know.

Mr. THOMPSON. Half?

Mr. DOHERTY. Oh, I should think——

Mr. THOMPSON (interrupting). I am not asking you for accurate figures.

Mr. DOHERTY. About half, I should say; oh, over half.

Mr. THOMPSON. Has the organization a printed constitution and by-laws?

Mr. DOHERTY. That I don't know; I am not a member myself; my father is a member.

Mr. THOMPSON. Your firm is a member?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. Who is the secretary of the organization, do you know?

Mr. DOHERTY. Why, McCollin.

Commissioner COMMONS. Rosenheim is down here.

Mr. DOHERTY. Rosenheim is down here?

Commissioner COMMONS. Yes.

Mr. DOHERTY. No; I don't know who is secretary. I never attended a meeting myself of the manufacturers.

Mr. THOMPSON. You do not?

Mr. DOHERTY. No, sir.

Mr. THOMPSON. About how many weavers, or other people, were out on a strike? Mr. Morgan stated about 25,000. Is that about right?

Mr. DOHERTY. That is what the papers estimated, about 25,000.

Mr. THOMPSON. Do you think that is probably correct?

Mr. DOHERTY. Well, I thought there would be—take the silk business all over the city; I think there would be more than that.

Mr. THOMPSON. More than that?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. Were you out and around in the city during the strike?

Mr. DOHERTY. No, sir; I kept pretty well to myself in my own place.

Mr. THOMPSON. Were you ever threatened with any violence?

Mr. DOHERTY. No, sir; not to amount to anything.

Mr. THOMPSON. Of your own knowledge, do you know much about the state of the community at that time, as to whether or not there was a great deal of disorder?

Mr. DOHERTY. Well, for that amount of people being out on strike, when you get such a large number as that, I would say no.

Mr. THOMPSON. You would say no?

Mr. DOHERTY. No, sir; not from what I saw.

Mr. THOMPSON. Did you know, or do you know——

Mr. DOHERTY (interrupting). I should say the police handled them very nicely. I think they kept them in shape.

Mr. THOMPSON. In your opinion, the police ran the strike very successfully?

Mr. DOHERTY. Yes, sir; I think they did.

Mr. THOMPSON. What do you mean by handled it nicely?

Mr. DOHERTY. I mean to say, kept them in check. I don't think they stirred them up in any way. In a great many cities they would drive them out of the city, arrest them and try to lock them up; but they kept them away from the mills, kept them scattered, and had all the firemen doing patrol duty, and kept the mills well protected.

Mr. THOMPSON. In other words, they kept the strikers away from the mills?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. Was there or was there not much slugging of the people working?

Mr. DOHERTY. Of the workers?

Mr. THOMPSON. People working in the mills at the time of the strike?

Chairman WALSH. Were there any cases of violence against the men working in the mills?

Mr. DOHERTY. They were well protected when they went to their homes.

Mr. THOMPSON. That is what you have to say about the nice handling of the police?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. How did the police get along with the strikers, if you know?

Mr. DOHERTY. How did they get along with them?

Mr. THOMPSON. Yes; was there much friction or not?

Mr. DOHERTY. No, sir; I would not call it much friction for such a large strike.

Mr. THOMPSON. Were there many arrests?

Mr. DOHERTY. No, sir; not considering the number there was on strike.

Mr. THOMPSON. Did you follow that pretty closely?

Mr. DOHERTY. Well, no. I was at Clifton Township. We had a different police department altogether; a smaller department, but they handled the crowd very nicely.

Mr. THOMPSON. How far is Clifton?

Mr. DOHERTY. About $2\frac{1}{2}$ miles or 3 miles.

Mr. THOMPSON. About two miles and a half?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. Then, so far as you were concerned you did not have much trouble and did not see much trouble, if there was any?

Mr. DOHERTY. No; we didn't have much trouble.

Mr. THOMPSON. And your ideas in reference to the way it was handled by the police and the number of arrests made is formed from what you heard mostly?

Mr. DOHERTY. Yes, sir.

Mr. THOMPSON. Were there any of the people working in your mills beaten up and molested?

Mr. DOHERTY. Two. There was one fellow who was put in the hospital; he had his head cut open. Another fellow had his wrist sprained, and myself had a gun drawn on me coming to work; an Italian drew a gun on me, but we chased him and caught him. It didn't amount to anything; he didn't shoot.

Mr. THOMPSON. That is all I have, Mr. Chairman.

Chairman WALSH. Mr. Doherty, it was stated by some person that your father had carefully thought out a plan, or some machinery by which to minimize, or put a stop to, industrial disputes. Do you know anything about that?

Mr. DOHERTY. No, sir; we tried before they went out on strike; we tried to make cooperation, but they turned down the proposition.

Chairman WALSH. Briefly, to cooperate in what manner?

Mr. DOHERTY. Well, that we would take a certain percentage of the profits, even went as low as 5 per cent.

Chairman WALSH. You offered to give them publicity, to show them what your cost was?

Mr. DOHERTY. Yes, sir; they could appoint all their own bookkeepers and everything.

Chairman WALSH. To whom did you submit that?

Mr. DOHERTY. We even agreed they could have a form of board and run the place, have their own foreman and everything else.

Chairman WALSH. To whom did you submit that?

Mr. DOHERTY. I think Morgan was one of them; Mr. Star, a warper; the weavers, was none of them represented.

Chairman WALSH. Was there a representation from the various classes of employees on some committee to whom you made the proposition?

Mr. DOHERTY. Yes, sir; the committee that came down and wanted to go on strike.

Chairman WALSH. Represented all of them?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. That was how long before the main strike took place?

Mr. DOHERTY. Two weeks. My father is in favor of organized labor, my father is, and a strong believer if it is organized right.

Chairman WALSH. Are there any questions?

Commissioner COMMONS. I would like to ask about the effect on wages of introducing this four-loom system instead of the two-loom system; that is, you were paying $8\frac{1}{2}$ cents and now you are paying $6\frac{1}{2}$?

Mr. DOHERTY. Yes, sir; $6\frac{1}{2}$.

Commissioner COMMONS. Will you explain how that affects the earnings per week of the weaver?

Mr. DOHERTY. Well, I should say a two-loom weaver in our place—of course, it is a different class of work now. A two-loom weaver in our place will average around \$15 a week, and a four-loom weaver will make from \$18 to \$31; \$31 he has made; that is high wage; but the general average—when the commission was accounted for by the Government they went over the pay-roll books—the average for weavers was, on four looms, \$18.90 per week.

Commissioner COMMONS. Now, as to this statement about the change that has gone on—your experience runs over about 10 years or 14 years?

Mr. DOHERTY. Yes, sir; I was foreman of Doherty & Wadsworth before that time. I used to be a weaver myself.

Commissioner COMMONS. As to the change in nationality that has gone on under your observation, what has been that change?

Mr. DOHERTY. More foreigners than used to be. The English-speaking people now are bosses.

Commissioner COMMONS. And the foreigners are what?

Mr. DOHERTY. Workers.

Commissioner COMMONS. The Italians and Jews?

Mr. DOHERTY. Yes, sir; we have a good many Italians and a good many Jews working for us. I consider the Italians very good weavers.

Commissioner COMMONS. Has there been any reduction in the earnings in that 14 years of those doing the weaving work?

Mr. DOHERTY. No, sir. There has been a big increase in weaving, there has been a big increase in loom fixing, and there has been a big increase in working. When I was a weaver I got \$12 a week and the loom fixers were getting \$16.50, and anybody would leave weaving to be loom fixers. Now the loom fixers get \$20.

Commissioner COMMONS. What were the weavers getting then?

Mr. DOHERTY. I don't believe they averaged any more; I should say about \$10 a week. I have made as high as \$15 a week, which was considered a very good wage, and they always said I had the pick of the job, because my father owned the place.

Chairman WALSH. They always said what?

Mr. DOHERTY. They always said I had the pick of the job, because my father owned the place, and I made a pretty good average; but now I don't believe you can hire the weaver—if anybody will furnish me weavers I will guarantee them work all the year around, if they run four looms, at \$15 a week.

Commissioner COMMONS. That would be of the Italians or Jews?

Mr. DOHERTY. Any good weaver; I want a good weaver.

Commissioner COMMONS. You consider there is not much difference between nationalities, then?

Mr. DOHERTY. No, sir; there are good Italian weavers and good Jews and good Americans. I consider the Italians very good weavers.

Commissioner COMMONS. As I understood the statement made by a preceding witness, the average had gone down in 20 years from about \$14 to about \$10, counting the year through, unemployment, and all such things.

Mr. DOHERTY. Well, my father used to work in Paterson, and he kept his average. He was considered a very good weaver when it was considered they made so much money, and the highest average he ever made, when Paterson was at its height, was \$11.90. We can show you that, and he has been in Paterson ever since there were six hand looms in Paterson, and those big wages were all a dream.

Chairman WALSH. The good old days?

Mr. DOHERTY. Good old days.

Commissioner COMMONS. What years were those when he was making \$11?

Mr. DOHERTY. A good many years ago.

Commissioner COMMONS. In the seventies?

Mr. DOHERTY. My father is 65 years old, and he came to Paterson when he was a boy.

Commissioner COMMONS. That was the old hand-loom system?

Mr. DOHERTY. The old hand-loom system.

Commissioner COMMONS. Take the power loom when it started in, they would make a good deal more with the power loom than with the hand loom?

Mr. DOHERTY. No, sir; he was a power-loom weaver, too.

Commissioner COMMONS. According to your idea, then, in the last 14 years the average for weavers would have gone up from about \$10 to \$15?

Mr. DOHERTY. Yes, sir.

Commissioner COMMONS. That is your statement regarding your own establishment?

Mr. DOHERTY. Yes, sir.

Commissioner COMMONS. Not generally.

Mr. DOHERTY. No, sir; that is generally all the way through. I think the wages have gone up. The cost of living has gone up. The people used to walk to work and now they ride on the trolley car. Everybody rides that comes to our plant. It costs money to ride.

Commissioner COMMONS. When you speak of 80 to 90 per cent production to a loom, will you explain what you mean?

Mr. DOHERTY. I mean to say, if I could get 20 yards a day off—I might get 18. If you get 20 yards a day off of a loom, never stop, you will get the loom to such perfection that the loom never stops. When you get 20 yards a day, that is the maximum production; if you get the 20 yards a day, you don't need a weaver. You have got—we have got it as high as 18½ yards a day off the same loom. The loom could not be stopped very much and a weaver never works when his loom is going; he only works when his loom is stopped.

Commissioner COMMONS. Have you made observations to see whether there is a greater strain or effort on the part of the weavers with the four looms under this arrangement than there was before?

Mr. DOHERTY. No, sir; when I was weaving I run two Jacquard swivel looms, and that was over 16 years ago, and that was harder than this. Now, if you run four looms, like a good many weavers will give you an argument, if you will run it on plain work, we will say, you do it on fancy work; that is their idea, if it starts on plain work it will end on fancy work, but you can not do that until you get the looms so perfect that you can get the production out. If you took an order out now to deliver in June, and told them they had to run those looms out, how would you get the work out? The manufacturer would be the loser, and not the weaver.

Commissioner COMMONS. How do you figure the rate at which you will add returns to a man's work?

Mr. DOHERTY. If I can get looms up to 90 per cent production, or over 80 per cent, I would give him another loom. If he falls below it, I will take it off.

Commissioner COMMONS. If you get four looms up to 80—

Mr. DOHERTY. That is 80 per cent on double extra silk.

Commissioner COMMONS. And if you had the inferior silk you would have two small—

Mr. DOHERTY. I would be satisfied, maybe, with 60 or 65.

Commissioner COMMONS. If you got it to 80 on the double extra, that would mean one man could take care of four looms?

Mr. DOHERTY. One man could take care of four looms.

Commissioner COMMONS. That means eight hours a day of work for that man?

Mr. DOHERTY. Eight hours a day for that man.

Commissioner COMMONS. Then you allow the other two hours—

Mr. DOHERTY (interrupting). Well, he is working all the time. I would not say eight hours; if the loom stops he will have to start it up again; the loom will stop.

Commissioner COMMONS. You take the chance on two looms being idle at the same time?

Mr. DOHERTY. Yes, sir; and there is where you are liable to lose running four looms. We have tried four looms at places where we would be losing money. We have places where it only runs one loom.

Commissioner COMMONS. Because it breaks often?

Mr. DOHERTY. Yes, sir; and there is not any weaver who is running the four-loom job that does not ask for the four looms, and there is not any weaver running four where you can take the four off and give him two.

Commissioner COMMONS. It is figured out very accurately on what you call the loom's production?

Mr. DOHERTY. Yes, sir; and the quality of work.

Commissioner COMMONS. That is based on the quality of work and your observation?

Mr. DOHERTY. Yes, sir.

Commissioner COMMONS. You are not able to tell about the association?

Mr. DOHERTY. No, sir; I am not enough familiar with that.

Chairman WALSH. I would like to ask a question or two.

When did you work as a weaver, Mr. Doherty?

Mr. DOHERTY. When did I work as a weaver?

Chairman WALSH. When did you quit working as a weaver?

Mr. DOHERTY. Well, about 15 years ago. I was foreman for a year, that is all.

Chairman WALSH. Mr. Morgan stated that the first foreigners who came in in large numbers were Italians. That is correct, is it not?

Mr. DOHERTY. I think so.

Chairman WALSH. And there has been for a generation or so of those—he says they came in 25 years ago?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. Have those men largely assimilated with the population? He said they became citizens generally?

Mr. DOHERTY. Yes, sir; I think so.

Chairman WALSH. Do their children attend the public schools?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. Did you notice a drift of their children into the same industry, or have they scattered out into other branches of industry?

Mr. DOHERTY. Scattered into other branches of industry.

Chairman WALSH. Become Americanized and assimilated with the population?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. Have you observed that those people have taken part in public affairs, held public offices, and their children become school-teachers, and the like?

Mr. DOHERTY. Yes, sir; I have heard of different cases.

Chairman WALSH. Do you notice any difference, if you have observed, between their assimilation into the body of the population than that of other foreigners?

Mr. DOHERTY. No, sir.

Chairman WALSH. Than that of other foreigners?

Mr. DOHERTY. No, sir.

Chairman WALSH. The English, the Irish, the Scotch, and so forth?

Mr. DOHERTY. No, sir; I have not.

Chairman WALSH. The next large numbers, I understand, were the Jewish people?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. Do they likewise assimilate with the population, except having the ordinary religious rites?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. And take part in public affairs?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. Do their children attend the public schools?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. They have their own religious institutions here and things of that sort?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. Has there been any effort on the part of the employers of labor to have foreigners come into Paterson to obtain work in the mills?

Mr. DOHERTY. No, sir; not that I know of.

Chairman WALSH. They just naturally come in with the tide of immigration, as you observed it?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. Have you ever observed any effort on the part of promoters to bring them into the community?

Mr. DOHERTY. No, sir.

Chairman WALSH. The Italians, I notice in some other industries, it is claimed they have a padrone system, by which they assemble them after they come to this country and bring them into industry. Have you observed anything of that kind in Paterson?

Mr. DOHERTY. No, sir.

Chairman WALSH. The older Italians—did they locate in centers by themselves largely and stay there; that is, neighborhood communities?

Mr. DOHERTY. No, sir; the Italians are pretty well scattered all around.

Chairman WALSH. How about the Jewish people?

Mr. DOHERTY. They are more in one center, I should say, down on River Street, in Paterson.

Chairman WALSH. How about the drift of Syrians and Roumanians and other people in the last couple of years as to numbers?

Mr. DOHERTY. Well, there is quite a few of them.

Chairman WALSH. Have there been nationalities or races other than the Italians and the Jewish people from which you could determine as to their assimilative capacity; that is, whether they came into the life of your town and into the life of your community or not?

Mr. DOHERTY. No, sir.

Chairman WALSH. Those are the largest ones?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. And you can not tell how those Syrians and others are going to assimilate?

Mr. DOHERTY. No, sir; I could not.

Commissioner LENNON. Could you, for the record, tell us what you mean in the trade by a broad silk?

Mr. DOHERTY. Broad silks?

Commissioner LENNON. Where is the dividing line? What does it mean? Tell us what it means.

Mr. DOHERTY. Broad silk is silk for dresses. But even tie silks—that is wide across; the other is for fancy work; it is jacquards; but broad silks, I would call it a very plain weave made for dresses—all dress goods.

Commissioner LENNON. Does it ever mean so many inches wide or anything of that kind?

Mr. DOHERTY. No, sir; anything over 28 inches. Runs 24 inches up to anywhere.

Commissioner LENNON. All dress goods?

Mr. DOHERTY. All dress goods.

Commissioner LENNON. What is the market for your goods—United States or foreign countries, or both?

Mr. DOHERTY. No, sir; only the United States. New York is the principal market.

Commissioner LENNON. A general interstate business, is it?

Mr. DOHERTY. Yes, sir.

Commissioner LENNON. Do you do business through jobbers, or do you sell direct to retailers?

Mr. DOHERTY. Sell direct, through jobbers; through commission houses, any way. We do a very large direct business.

Commissioner LENNON. You have men on the road, then, to sell goods?

Mr. DOHERTY. Yes, sir.

Commissioner LENNON. Do you believe that the best interests of the trade would be served if contract organization was had on the part of the employers and also on the part of the working people, so they could have collective agreements?

Mr. DOHERTY. I don't quite get that.

Commissioner LENNON. Well, do you believe in collective bargaining between the employer and the workman?

Mr. DOHERTY. Yes, sir; I think so.

Commissioner LENNON. Well, would collective bargaining be effective without organization? Could it be effective without organization?

Mr. DOHERTY. No, sir; not very well.

Commissioner LENNON. Then, evidently, as you favor collective agreements, you recognize the necessity for organization back of it?

Mr. DOHERTY. Yes, sir.

Commissioner LENNON. That is all I care to ask.

Commissioner O'CONNELL. Mr. Doherty, has there been any reduction in hours since the time you worked in the mills 15 years ago and the present time?

Mr. DOHERTY. Yes; 10 hours.

Commissioner O'CONNELL. A day, then?

Mr. DOHERTY. Yes, sir; just before I went to work it was 60 hours, and was reduced to 55.

Commissioner O'CONNELL. They had a shorter week by Saturday being a half holiday?

Mr. DOHERTY. Yes, sir.

Commissioner O'CONNELL. But the same day?

Mr. DOHERTY. Yes, sir.

Commissioner O'CONNELL. You have been back for a number of years upon the 10-hour day?

Mr. DOHERTY. Yes, sir.

Chairman WALSH. Is there anything that you would like to volunteer to the commission? Or is there anything you would like to amplify or explain—anything that you have said?

Mr. DOHERTY. No, sir.

Chairman WALSH. That is, have you any suggestions as to what might be done by the Government, either State or Nation, to allay industrial unrest?

Mr. DOHERTY. Yes, sir; there is one thing I would state—I think my father mentioned it—and that is, if a man's wage is set by commission I think it would do away with strikes, because—I don't care whether a man started a mill up—if you could get help working in another town cheaper than you could here you would go there. That is natural. If a man's wage set by commission—by

a commission—I don't care where you would go, you would have to pay the same wage. And so far as foreigners that are not put on the market, it would be a question of skilled people. You would bring people who understand the language, and it would not make any difference so far as the hours in a day are concerned. I am a great believer in that; I believe in eight hours.

Chairman WALSH. You believe that is long enough?

Mr. DOHERTY. Yes, sir; only if you do it in Paterson and do not do it in Pennsylvania you will put Paterson out of business.

Chairman WALSH. Do you think any of the trouble has been due to the workers' inability to speak the language and understand customs?

Mr. DOHERTY. No, sir.

Chairman WALSH. I mean the foreigners. Do you believe they are so represented by interpreters and have sufficient intelligence in their own language to understand what you are driving at and how you are dealing with them, and all like that?

Mr. DOHERTY. No, sir; I am a little against foreigners, because you take the manufacturing of plain goods, if a man is a very wealthy man he might go in a little town, he might get those foreigners, and you can teach them to weave in three weeks, and you might get them to work for 3 or 4 cents less than they are paying in Paterson.

Chairman WALSH. I noticed the gentleman who preceded you on the stand stated that all weavers wore glasses, that the high strain was very severe, but that when a weaver applied for a new job he was not taken if he wore glasses?

Mr. DOHERTY. I would differ with him there, because I don't think there is anything harder on your eyes than when I was a weaver. We used to have 12 candlepower lights; that was all they would give us. Now we have 25 candlepower and some 60 watt; and as far as wearing glasses, you can look around this room and find pretty near every fifth man wearing glasses. Then, again, you used to see cross-eyed people, but now you do not. It is science.

Chairman WALSH. You do not look upon the eyestrain as being peculiar to the weaving business?

Mr. DOHERTY. No, sir; not more than it ever was. Not as much. Conditions are better.

Chairman WALSH. That is all I have.

Thank you, Mr. Doherty.

Call your next.

TESTIMONY OF MR. EDWARD F. L. LOTTE.

Mr. THOMPSON. Mr. Lotte, give us your name, your address, and your business.

Mr. LOTTE. My name, you have it correct, Edward F. L. Lotte; 581 Broadway, Paterson, N. J. My business is silk dyer.

Mr. THOMPSON. Are you manager of the National Silk Dyeing Co.?

Mr. LOTTE. Yes, sir.

Mr. THOMPSON. The dyeing of silk is an important industry around Paterson?

Mr. LOTTE. Yes, sir; the dyeing of silk is important; it is the coloring of silk before going into goods.

Mr. THOMPSON. Were you here as manager at the time of the so-called silk strike here?

Mr. LOTTE. Yes, sir.

Mr. THOMPSON. Did the employees of your silk houses go out on strike?

Mr. LOTTE. Yes, sir.

Mr. THOMPSON. How soon after the strike began did they go out?

Mr. LOTTE. The first of them went out about the 26th of February. That was just, I should say, a couple weeks after the strike had started; two or three weeks, probably.

Mr. THOMPSON. How many dyehouses are there around this city?

Mr. LOTTE. I couldn't tell you how many there are. There may be 20; I am not sure; there may be more. I have not looked into that thoroughly.

Mr. THOMPSON. How many employees have you in your establishment?

Mr. LOTTE. In Paterson?

Mr. THOMPSON. Yes.

Mr. LOTTE. About 1,000.

Mr. THOMPSON. About 1,000?

Mr. LOTTE. Yes, sir.

Mr. THOMPSON. About how does your firm compare in size to the others, is it the largest?

Mr. LOTTE. In Paterson?

Mr. THOMPSON. Yes.

Mr. LOTTE. No, sir; they are not the largest in Paterson. There is one more that has more than we have in Paterson.

Mr. THOMPSON. About how many silk dyers are there in this city?

Mr. LOTTE. You mean how many workers?

Mr. THOMPSON. Yes.

Mr. LOTTE. I should judge probably 3,000, although that is only a guess.

Mr. THOMPSON. Of those 3,000 you employ 1,000?

Mr. LOTTE. Yes, sir.

Mr. THOMPSON. Your house went out in February, about two weeks after the strike?

Mr. LOTTE. I should judge it was. It was about February 25 when they first went out, and some went out as late as March 3.

Mr. THOMPSON. Did they all go out of your place at once?

Mr. LOTTE. No, sir; some few stayed in each plant——

Mr. THOMPSON. (interrupting). Prior to their going out, did they make any demands on your firm?

Mr. LOTTE. No, sir; they made no demands at all. In fact, those that our foreman conversed with claimed they were satisfied.

Mr. THOMPSON. Did they make any statements, either to the foreman or to the firm, as to the reason they went out?

Mr. LOTTE. Before they went out?

Mr. THOMPSON. Yes, sir.

Mr. LOTTE. Absolutely none.

Mr. THOMPSON. They just simply left their work and went out?

Mr. LOTTE. Yes; in fact, most of them on account of the agitation among the silk mills, and so on; we tried to find out whether they were satisfied or whether they wanted to go out, because we had considerable silk in process, and all responses that we got was that they would stick and were satisfied; it was the weavers' quarrel, and they had nothing at all to do with it.

Mr. THOMPSON. Did they quit either by not coming in the morning to work or did they quit while they were at work?

Mr. LOTTE. They quit while they were at work.

Mr. THOMPSON. What was the cause of their quitting, if you know?

Mr. LOTTE. There was no cause that we could find out on the first that went out. It was arranged by some signal or other, turning on the steam, and then a large number of them walked out of there.

Mr. THOMPSON. Did you know at that time, or have you found out since, how this signal was arranged?

Mr. LOTTE. No, sir.

Mr. THOMPSON. Who arranged it?

Mr. LOTTE. No, sir; we have not.

Mr. THOMPSON. So far as you know, the cause, except generally, the cause that led your people to leave is unknown to you?

Mr. LOTTE. It is unknown, except, of course, it was known there was lots of agitation, and it seemed to be, I might say, in the air. Some of them said afterwards that they went out feeling that they could come back very soon and the thing would blow over.

Mr. THOMPSON. The only connection which your people had with the weavers, or that your firm had with silk weavers, is that you furnished silk to them?

Mr. LOTTE. No, sir; we dye the silk. They give us the silk to dye. We dye it on a commission basis, so much per pound. The manufacturer sends his silk to us, and we dye it and return it to him.

Mr. THOMPSON. So that the strike in your place was what was known as a sympathetic strike?

Mr. LOTTE. I would call it so. That is what it started out with.

Mr. THOMPSON. What action, if any, did the dye employers take at that time?

Mr. LOTTE. Well, they, like the others, thought it would be over very soon, and they thought they would wait a week or two, which they did, and, of course, we kept on with the employees that stayed there and took the silk and finished that all up. Those men worked all the time, finished the work and got it out, and, of course, then we did not start on the feeling that we would wait a week or two to see what the result of the strike would be.

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Mr. THOMPSON. Then, what did you do after that, if anything?

Mr. LOTTE. After that we started to look around and put help on, break help in.

Mr. THOMPSON. You continued the operation of your dyeing establishment?

Mr. LOTTE. We continued the operation; yes, sir.

Mr. THOMPSON. Did you find any difficulty in finding men?

Mr. LOTTE. Well, we found a good many would come to us, but said they were afraid, and simply said they would work if we would——

Mr. THOMPSON. (interrupting). About how many men did you have working for you during the strike?

Mr. LOTTE. Well, that varied, because the strike started to grow. At first we had probably 10 per cent, then after a week or two was up, that was during that time, we had probably that many, and as it went on and saw we were compelled to employ new help, then the others were afraid to come in, it gradually grew on up until the end of the strike.

Mr. THOMPSON. Was there any violence at your place during the strike?

Mr. LOTTE. Yes, sir; there were some men hurt on the road home, and three or four houses blown up; that is, bombs put under the steps and shattered; and one of our men—there were some stones thrown through the window and broke the window, and almost kill his child that was sick.

Mr. THOMPSON. How many men were hurt?

Mr. LOTTE. How many men were hurt on the road?

Mr. THOMPSON. That worked in your place?

Mr. LOTTE. Probably three or four; that is all.

Mr. THOMPSON. How were they hurt?

Mr. LOTTE. They were hurt walking home from work; attacked from the back.

Mr. THOMPSON. Were they seriously injured?

Mr. LOTTE. One of them was seriously injured, but came around all right afterwards.

Mr. THOMPSON. Your dye works is located in Paterson here?

Mr. LOTTE. Yes, sir.

Mr. THOMPSON. What action did the police take in reference to the strike, so far as you are concerned—your establishment?

Mr. LOTTE. The police gave us all the protection they could; and if we heard—of course, we got a number of notices, and so on, and threats, and if there was any threats of a man going to be hurt, or threats of a house being blown up, or anything at all like that, we handed those over to the police.

Mr. THOMPSON. Were the police around your establishment during the strike?

Mr. LOTTE. They were around the outside of the establishment; yes, sir; all the time.

Mr. THOMPSON. All the time?

Mr. LOTTE. Yes, sir; they had somebody there night and day.

Mr. THOMPSON. Did you see any collisions between the police and bodies of strikers or other people on the streets?

Mr. LOTTE. Yes, sir; I saw some.

Mr. THOMPSON. Where were they, around your factory?

Mr. LOTTE. Right near our factory; yes, sir. They occurred in the morning or evening, mostly; there was very little during the day.

Mr. THOMPSON. That was when those other people were going to and from work?

Mr. LOTTE. When they were going to and from work.

Mr. THOMPSON. What was the nature of those collisions, were they serious or not?

Mr. LOTTE. They did not end serious; but I think it was largely through the way the police handled it, because they used every effort they could not to hurt anyone.

Mr. THOMPSON. Did you see the police use any violence on any of the strikers?

Mr. LOTTE. No, sir; I didn't see them use any violence.

Mr. THOMPSON. Did you see the strikers use any violence toward the police?

Mr. LOTTE. No, sir; I was not where there was any violence; just right near the works; but I was inside and did not see that. They did throw stones at my own machine, but it did not hurt me any. It hit the top and did not hit me.

Mr. THOMPSON. In reference to any trouble there might have been between the strikers and the police, what form did it take?

Mr. LOTTE. The police asked them to move on, and if they moved on there was nothing more said. If they did not move on, they called the patrol wagon and put them in.

Mr. THOMPSON. Did the people go willingly or peacefully into the wagon, if you know?

Mr. LOTTE. Not at the last; the last collision between the police, they did not; but they loaded up two trucks, the patrol wagon, and put them in, and after they were in most of them left, but there were some that stayed and wanted to give battle, so they rounded them up and put them in the-----

Mr. THOMPSON (interrupting). Did you ever appear in court at any time when an arrest was made?

Mr. LOTTE. I did not.

Mr. THOMPSON. You did not?

Mr. LOTTE. No, sir.

Mr. THOMPSON. Do you know in what way the court acted on the cases?

Mr. LOTTE. How?

Mr. THOMPSON. Whether he acted leniently or severely, or how?

Mr. LOTTE. Well, from my own observation, at the beginning, of course, it looked to me as though it was rather lenient.

Mr. THOMPSON. Was that attitude changed?

Mr. LOTTE. They got a little less lenient as the strike went on and the people were threatened more, and it looked more dangerous.

Mr. THOMPSON. Do you know what action the court's took?

Mr. LOTTE. I didn't follow that up.

Mr. THOMPSON. You didn't follow that up?

Mr. LOTTE. No, sir; I was busy with other matters.

Chairman WALSH. At this point the commission will stand adjourned until 2 o'clock. We will meet promptly at 2 o'clock.

You will kindly resume the stand at that hour, Mr. Lotte.

Mr. LOTTE. All right; thank you.

(Whereupon, at 12 30, an adjournment was taken till 2 o'clock p. m.)

AFTER RECESS--2 P. M.

Chairman WALSH. The commission will please be in order.

Mr. THOMPSON. Mr. Lotte.

TESTIMONY OF MR. EDWARD F. L. LOTTE--Continued.

Mr. THOMPSON. Mr. Lotte, you were telling us something about your company, and I think you were telling us something about the organization you belong to. You have an organization, have you not?

Mr. LOTTE. No, sir.

Mr. THOMPSON. Silk dyers?

Mr. LOTTE. No, sir.

Mr. THOMPSON. You have not?

Mr. LOTTE. No, sir.

Mr. THOMPSON. Has your company any agreement or understanding with any organization of labor?

Mr. LOTTE. No, sir.

Mr. THOMPSON. Do you know whether or not the men working for your company are organized or not?

Mr. LOTTE. We don't know.

Mr. THOMPSON. You don't know?

Mr. LOTTE. No.

Mr. THOMPSON. You have had no dealings with this textile union, have you?

Mr. LOTTE. With what?

Mr. THOMPSON. The United Textile Workers?

Mr. LOTTE. No.

Mr. THOMPSON. Have you ever come in contact with any other organization in carrying on your business?

Mr. LOTTE. No; only at the time of the strike here, when there was a committee.

Mr. THOMPSON. What organization did you hear of at the time of the strike?

Mr. LOTTE. The I. W. W.

Mr. THOMPSON. That is the Industrial Workers of the World?

Mr. LOTTE. Yes, sir.

Mr. THOMPSON. What contract did you have with them, if any?

Mr. LOTTE. All the contract we had was that there was a committee came and presented the demands, and that was after the men had been out for some time.

Mr. THOMPSON. Who composed that committee? How many were there?

Mr. LOTTE. There were two or three committees came.

Mr. THOMPSON. Take the first committee, then?

Mr. LOTTE. They represented from different works.

Mr. THOMPSON. Had the members of that committee been working at your establishment?

Mr. LOTTE. They had.

Mr. THOMPSON. Were there any members of that committee who had not been working at your establishment?

Mr. LOTTE. No.

Mr. THOMPSON. Was that true of the other committees that called on you from the I. W. W.?

Mr. LOTTE. Yes; they were all working for us.

Mr. THOMPSON. They all were or had been working for you?

Mr. LOTTE. Yes.

Mr. THOMPSON. What demands, if any, did they present; were they verbal or in writing?

Mr. LOTTE. They were in writing.

Mr. THOMPSON. Do you know what they were now? Do you remember?

Mr. LOTTE. Yes. Eight hours a day, 44 hours a week.

Mr. THOMPSON. That was the demand?

Mr. LOTTE. That was the demand.

Mr. THOMPSON. What were you then working—your hours?

Mr. LOTTE. We were working the same as we are now, 55 hours a week.

Mr. THOMPSON. What answer did you make to their demands?

Mr. LOTTE. We told them that we could not accede to them.

Mr. THOMPSON. That you could not reduce them?

Mr. LOTTE. No. They did not ask us. We told them we could not accede to their demands.

Mr. THOMPSON. How long were those conferences, in point of duration?

Mr. LOTTE. Oh, about 15 or 20 minutes.

Mr. THOMPSON. Have you got a copy of the demands?

Mr. LOTTE. No; I have not.

Mr. THOMPSON. Could you furnish the commission with a copy?

Mr. LOTTE. I am not sure that I could.

Mr. THOMPSON. You are not sure?

Mr. LOTTE. No. I could look, but I am not sure that I could.

Mr. THOMPSON. Do you know what became of them, or were they just mislaid, or something?

Mr. LOTTE. They only came—each committee came once and presented the demand, and I am not sure now whether we kept it or whether they took it back with them.

Chairman WALSH. Would you kindly look that up and see if possibly you can furnish it, or a copy of it, to the commission?

Mr. LOTTE. I will do that; but I am not sure whether the committee took it back or not.

Chairman WALSH. If you will kindly look it up and let us know if you haven't it we will be obliged.

Mr. LOTTE. I can let you know within a half hour after I am away from here.

(Mr. Lotte subsequently furnished the following data:)

DEMANDS OF DYEHOUSE WORKERS.

1. Forty-four hours shall be a week's work.
2. Eight hours shall constitute a day's work.
3. Overtime shall be paid for at the rate of time and a half.
4. None shall work more than one hour overtime in one day.
5. Twelve dollars per week shall be the minimum wage for dyers' helpers.
6. Dyers shall receive no less than \$15 on one box, \$18 on two boxes, \$21 and over on three boxes and over.
7. The shop committee shall decide when a learner is necessary.
8. All learners must be at least 16 years of age, and they shall receive no less than \$9 per week for the first six months; after that they shall receive the dyers' helpers' wage of \$12 per week.
9. Workers at whiz and washing machines shall receive not less than \$13; finishers, \$15; dye-room workers, \$12; and dressers, \$13; and also shaker out, \$13.

10. Men working in the yard shall not be allowed to work in any department inside.

11. The shop committee shall have the right to investigate that all belong to the union.

12. No discrimination against anybody for taking part in the strike.

13. Box fixers shall be paid no less than \$13 per week.

14. Night men to be paid at the rate of \$13 for 44 hours.

(Seal of the Industrial Workers of the World, Silk Workers' Local No. 152, Paterson, N. J.)

Mr. THOMPSON. So far as you dealt with these people on this committee at the conferences, was it of a friendly character?

Mr. LOTTE. It was of a friendly character; yes.

Mr. THOMPSON. Were any threats made against you or against your company?

Mr. LOTTE. Not at those conferences; no, sir.

Mr. THOMPSON. Were there at any time, so far as you personally know, any threats made against your company or yourself or any of the officers or workers?

Mr. LOTTE. Against the workers; yes; there were several threats made to us—some written.

Mr. THOMPSON. Anonymously or signed by any individual?

Mr. LOTTE. No; they were not signed by individuals; all anonymous.

Mr. THOMPSON. So far as you saw the strike and the way it was conducted I believe you stated, the matter of disorder in the way it was carried on, I think you have already stated fully, have you not?

Mr. LOTTE. Yes; I have.

Mr. THOMPSON. And you have had no dealings with any sort of labor organization?

Mr. LOTTE. No.

Mr. THOMPSON. Then from your own knowledge of matters you have no opinion as to the character of the I. W. W. or of the United Textile Workers?

Mr. LOTTE. Not of my own; no, sir. Only—

Mr. THOMPSON (interrupting). Did the men who came to you on these committees ask for a contract from you or just for the granting of the demand?

Mr. LOTTE. No. They said they were sent to present those demands, and that was all; they would have to report back.

Mr. THOMPSON. Did they say where they had to report?

Mr. LOTTE. What?

Mr. THOMPSON. Did they say where or to whom they had to report?

Mr. LOTTE. No; they did not say as to whom or where. They just said they had to report back, and they have no power except to present.

Mr. THOMPSON. Did you ask for their authority?

Mr. LOTTE. They said that was all their authority. There was an I. W. W. stamp on it, and they said that was all the authority there was.

Mr. THOMPSON. Did you discuss with them the proposition of making a contract?

Mr. LOTTE. No. We discussed with them the fact it was not at all feasible to make any changes at that time. We discussed with them, too, the way that they went out and left the works, in the condition they were, and what they had done, and those things we went over with them.

Mr. THOMPSON. What did they say to you when you told them about the conditions they left the work in?

Mr. LOTTE. They said that it was not right, but they were told to do it, and they did it.

Mr. THOMPSON. Did this question of the condition of the work come up at the various conferences?

Mr. LOTTE. Yes; at each conference we explained to those men—

Mr. THOMPSON (interrupting). Was there anything more said about it than what you say on your part?

Mr. LOTTE. No; there was nothing further said.

Mr. THOMPSON. Was anything further said about it on their part?

Mr. LOTTE. No; they said nothing.

Mr. THOMPSON. Did they say to you that they had approved their method of carrying on a strike?

Mr. LOTTE. No; they did not say that. They said they were told to do it.

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Mr. THOMPSON. Did they say that in their opinion it was the justifiable thing in order to win their struggle?

Mr. LOTTE. No. They said they did not feel it was right.

Mr. THOMPSON. What opinion have you, from what you have heard from others and what you saw from this, in the newspapers and the like, as to the organization then in charge or apparently leading the strike in Paterson?

Mr. LOTTE. I don't know just what you mean.

Mr. THOMPSON. I mean the I. W. W.

Mr. LOTTE. What opinion I have of their methods?

Mr. THOMPSON. Yes; as a laborer organization and as to their methods of conducting a struggle, and so forth?

Mr. LOTTE. Their method, as I understand, is what they call direct action to cripple the plant first and then get what they can afterwards.

Mr. THOMPSON. What do you mean by crippling—just stopping labor?

Mr. LOTTE. Stopping labor and walking out.

Mr. THOMPSON. You never had any contract with your employees?

Mr. LOTTE. No; we had no word concerning it at all; absolutely, no.

Mr. THOMPSON. They had that right before?

Mr. LOTTE. Yes; they had the right.

Mr. THOMPSON. Wherein do you make a division between the rights your employees previously had and the policy of the I. W. W.?

Mr. LOTTE. In forcing others out that don't want to go.

Mr. THOMPSON. Have they any special method of doing that?

Mr. LOTTE. Well, they threaten them, and some of them get letters, and threaten them in the works.

Mr. THOMPSON. That is usual of all strikes, whether conducted by the I. W. W. or not, isn't it?

Mr. LOTTE. I could not say.

Mr. THOMPSON. You are only speaking now of your information and your opinion?

Mr. LOTTE. Well, I mean this was my first experience in a large strike.

Mr. THOMPSON. I simply wanted to get from you if you could state where, in your opinion as an employer of labor, you made a line of demarcation between the old-line organizations, if we may call them such, and the I. W. W.—whether they presented a different angle of the labor problem to you?

Mr. LOTTE. Well, as we have our employees, of course, an employee can go out, but he goes out of his own volition, and under the I. W. W., or under the Industrial Workers of the World, they compelled everyone to go out, whether they wished to or not, or tried to or attempted to.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. I believe you stated that you had never had any labor organization in your plant prior to this time?

Mr. LOTTE. Well, I did not. I said that we had no dealings with labor organizations.

Mr. THOMPSON. Had no dealings with them?

Mr. LOTTE. No.

Mr. THOMPSON. Did you have any strikes in your plant previous to this time?

Mr. LOTTE. No; I have been here five years and we had none prior.

Chairman WALSH. So that you have no personal basis of comparison between the methods used by the old-line labor unions and those which were used in this case by the Industrial Workers of the World?

Mr. LOTTE. I have not.

Chairman WALSH. That is all.

Mr. LOTTE. I just want to—

Chairman WALSH (interrupting). I was going to ask you if there is anything you would like to volunteer, any explanation or amplification of your testimony? You may now do so and we will be glad to hear it.

Mr. LOTTE. I just wanted to explain one thing that I noticed that was said here, that the dyers' average wages was \$5.50; that they worked—I have gone over our employees that we have here and their average was 52½ hours, and the average wages of the thousand, or about a thousand, was \$12.62.

Chairman WALSH. Covering what period of time?

Mr. LOTTE. Covering this year. Of course, we could not take the strike period. I took this year.

Chairman WALSH. Take this year and tell us if you will what was the highest wage paid during that time.

Mr. LOTTE. You mean the highest amount?

Chairman WALSH. The highest amount?

Mr. LOTTE. Well, the highest amount would have amounted to about \$13. That is, taking the average of everybody.

Chairman WALSH. I am trying to leave the averages for the present. How large was the highest any employee received?

Mr. LOTTE. I don't just catch what you mean, because we have——

Chairman WALSH (interrupting). Well, you say you made a survey of how many employees?

Mr. LOTTE. Of 1,000. That is all.

Chairman WALSH. Covering a period of one year?

Mr. LOTTE. No. Covering a period of this year, practically.

Chairman WALSH. Up until this time. Is that from the 1st of January?

Mr. LOTTE. It comes from about the 1st of February.

Chairman WALSH. And you struck an average by taking all the amounts received?

Mr. LOTTE. Yes. We took the total number of employees and the total amount that they received and divided that by the number of employees, and the average for the dyehouse was \$12.60. You see, our lowest wage we pay in general is \$12, except the men that start. When the men start the first three months they get \$10; the next three months \$11, and if they are apt they get the \$12 sooner. The lowest we have is \$12. Then we have what we call the machine men, what we call washing-machine men. They get \$13 and \$14. And then we have finishers who get \$15. Now, taking those as the averages. Our week is 55 hours; the average that we made is 52½ hours. We have very little over-time. And the average wage received for all, boys and everybody, was \$12.62.

Chairman WALSH. Now, was the work steady during this period for those five months?

Mr. LOTTE. I am explaining they worked 52½ hours out of 55.

Chairman WALSH. I see, that difference.

Mr. LOTTE. What is that?

Chairman WALSH. Now, then——

Mr. LOTTE (interrupting). If we do have any time that is apparently dull, we generally close down on Saturday. That is a five-hour day.

Chairman WALSH. Could you tell me what the lowest wage paid was among these 1,000 employees since the first of the year?

Mr. LOTTE. Well, now, just let me ask you, do you mean the lowest wages paid to the men? You don't mean a boy, do you?

Chairman WALSH. I mean anybody that you include in that number from which you strike this average?

Mr. LOTTE. Well, the lowest we pay, we have about a dozen boys in which the lowest wage we pay is \$5.

Chairman WALSH. The lowest is \$5 a week?

Mr. LOTTE. But those are office boys. But all our men ——

Commissioner O'CONNELL (interrupting). Have you women or girls included in that?

Mr. LOTTE. No; we only have about three or four girls. They are stenographers.

Commissioner O'CONNELL. No women working in the business?

Mr. LOTTE. No; we have not.

Chairman WALSH. You were going to say what was the lowest wage paid to an adult?

Mr. LOTTE. The lowest wage paid to an adult, as I said, is \$10. That is when he started at the trade, but those that we have that are paid \$10 won't amount to over 30 men, 30 to 40.

Chairman WALSH. How many do you have in that number during that period who received \$15 a week?

Mr. LOTTE. The \$15 a week are about probably 100.

Chairman WALSH. About 100?

Mr. LOTTE. Yes.

Chairman WALSH. About how many \$14?

Mr. LOTTE. Fourteen dollars would be—that would be hard to answer. It would be somewhere between 80 and 120.

Chairman WALSH. And you approximate it between 80 and 120?

Mr. LOTTE. Yes.

Chairman WALSH. So that there are about 800 of them where the wage would range between \$10 and \$14?

Chairman WALSH. Now, you say there were 30 at \$10. Could you approximate how many there were at, say, \$11, if you have such a wage?

Mr. LOTTE. We have very few at \$11, because they don't stay very long at \$11. If they get pretty good, we give them \$12.

Chairman WALSH. They get \$12?

Mr. LOTTE. Because if a man don't work and is not very good we prefer not to keep him at all, so if he is pretty good we give him the \$12, and some men get \$12 at the end of two months instead of waiting six.

Chairman WALSH. About how many have you at \$12?

Mr. LOTTE. At \$12 we would have about 700, I should judge; around that.

Chairman WALSH. That is all.

(Witness excused.)

TESTIMONY OF MR. ADOLPH LESSIG.

Mr. THOMPSON. Mr. Lessig, give us your name, your address, and your occupation.

Mr. LESSIG. At the present time I am living in the city of Boston, or I should rather say a suburb of Boston, the city of Everett, across the Charles River. At the present time I am secretary of the National Industrial Union of Textile Workers, affiliated with the I. W. W. or Industrial Workers of the World.

Mr. THOMPSON. Are there two organizations that take the name of I. W. W. in this country?

Mr. LESSIG. Yes; there is. There is one that claims to be the original I. W. W.

Mr. THOMPSON. Well, which one is that one; the one you are affiliated with?

Mr. LESSIG. No. I am affiliated with the Chicago faction; what is generally called the Chicago faction.

Mr. THOMPSON. Yes.

Mr. LESSIG. And the other one is what is called the Detroit faction.

Mr. THOMPSON. During the strikes in Paterson last year, the silk strike, do you know how many of the membership of your faction, or your organization, were involved?

Mr. LESSIG. Well, we had approximately about 900 at the day that the strike broke out. We had in the meantime, between the 1st of February and the 25th of February, practically organized about 500 additional, or 400, that were working in Henry Doherty's mill, and we had had a stable organization of 500 for a period of about 12 months.

Mr. THOMPSON. Just going—leaving out the Paterson situation, but taking the general organizations—do you know the numbers in the organization you belong to, the Chicago branch or faction, and the membership of the Detroit branch all over the country?

Mr. LESSIG. No; I could not tell you that.

Mr. THOMPSON. You don't know?

Mr. LESSIG. No; I don't know that.

Mr. THOMPSON. Could you approximate?

Mr. LESSIG. Well, I really could not give any idea because I had never concerned myself at the time, and I have always heard it was more or less fluctuating, going up and down.

Mr. THOMPSON. How many members have you in your branch?

Mr. LESSIG. At the present time?

Mr. THOMPSON. Yes; your own textile workers?

Mr. LESSIG. The textile workers, according to the books, have now approximately 6,500 paid-up membership.

Mr. THOMPSON. That is mostly in Massachusetts or—

Mr. LESSIG (interrupting). Well, that is through New Jersey, New York, Connecticut, Massachusetts, Maryland, and South Carolina.

Mr. THOMPSON. Were you here in Paterson at the time of the silk strike a year ago?

Mr. LESSIG. I was; yes, sir.

Mr. THOMPSON. And you say at that time, or previous to that time, you had about 500 members in your union?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. But in February during the strike you increased your membership by the addition of 400 more in Doherty's mills?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Was that prior to or after the strike was begun?

Mr. LESSIG. It is usually customary that as soon as the strikers go out on strike, or a bunch of employees, they generally want to organize then, and when they were on strike they came and joined the organization, and of course I am including them in that.

Mr. THOMPSON. Were the 500 men scattered throughout the different mills, or were they located in any particular mill?

Mr. LESSIG. Well, there were two mills that were thoroughly organized, I should say, with a membership of about three hundred and some-odd; the balance was pretty well scattered.

Mr. THOMPSON. When did you come here with reference to the strike? Have you been located here before then, or did you come on at the time of the strike?

Mr. LESSIG. I was a striker myself.

Mr. THOMPSON. You were a striker?

Mr. LESSIG. I was working in a silk mill at the time of the strike.

Mr. THOMPSON. What mill were you working in?

Mr. LESSIG. Benjamin E. David.

Mr. THOMPSON. Was that one of the mills that was thoroughly organized or not?

Mr. LESSIG. I think we had that mill pretty well organized; probably 80 per cent.

Mr. THOMPSON. When did that mill come out with reference to the Doherty mill? How long afterwards?

Mr. LESSIG. Well, that was on the 25th day of February.

Mr. THOMPSON. That your mill went out?

Mr. LESSIG. Yes.

Mr. THOMPSON. About two weeks after the strike began?

Mr. LESSIG. No; that was about five or six weeks after the Doherty strike had started.

Mr. THOMPSON. At the time your mill went out how many other mills had gone out on strike?

Mr. LESSIG. I think when we came down to the hall that morning we found there were about 25 per cent had responded to the general call for that day, for that morning.

Mr. THOMPSON. Did you take any part in the organization of the Doherty workers?

Mr. LESSIG. I did.

Mr. THOMPSON. When you had the 400 workers organized what did you do with reference to having any interview with the firm?

Mr. LESSIG. Well, it has always been a policy in our organization that those who are not directly working in a mill shall not go in and attempt to make a settlement, but leave it to the workers themselves employed in that particular mill.

Mr. THOMPSON. Well, did the workers, after you had organized them, send any committees to Doherty's mill?

Mr. LESSIG. They did, on various occasions.

Mr. THOMPSON. And, if you know, what did they go there for? What was the purpose of the visit?

Mr. LESSIG. The purpose was to try to decide and adjust the grievances.

Mr. THOMPSON. And, if you know, what were those grievances at the time?

Mr. LESSIG. Particularly the stopping of the three and four loom system.

Mr. THOMPSON. Were you here when Mr. Doherty was on the stand to-day?

Mr. LESSIG. I was; yes, sir.

Mr. THOMPSON. You heard what he said about the two-loom system and the three and four loom system?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Is he correct, so far as the facts are concerned in that respect?

Mr. LESSIG. When he states that he had looms—some weavers running three, some four, some two looms—yes; he was correct.

Mr. THOMPSON. You may state the grievances and also any additions you wish to make to Mr. Doherty's statement in that respect, in respect to the loom system.

Mr. LESSIG. Well, the proposition, as I remember it, was this: The workers were beginning to realize that the four-loom system was becoming extended throughout the entire mill, which meant that one man would do the work of two and the other man would be eliminated. It was becoming a physical impossibility for some of them to run four looms. They were practically given their choice of running two looms at the four-loom price or quitting the job, and when they saw the condition of affairs, that is what started the revolt, and we were called upon at that time to come and assist them in whatever way we could, and I will admit I took a pretty prominent part in assisting them in any way I could.

Mr. THOMPSON. To what extent, Mr. Lessig, did the two causes operate? Which was the most prominent, the fact that the introduction of the three or four loom system might reduce the force by one-half, or the fact that it did not pay enough money to those who remained? Which was the most important position of the union or your organization?

Mr. LESSIG. Well, all the weavers realized that if the thing became general throughout the trade, the three and four looms, it meant the filling of the streets with unemployed, which would mean a general reduction in wages, and that is what all the weavers realized, all the workers. Now, we had in the meantime within a year from practically two mills that had adopted that three or four loom proposition there were 27 mills, large or small, that had adopted that three and four loom system, and the workers were becoming generally panic-stricken from that cause.

Chairman WALSH. Did you have any other grievances that you presented? You said after you became organized you appointed shop committees or committees in that particular industry to present grievances. Were there any other grievances presented except this one with reference to the change?

Mr. LESSIG. There was also a grievance in regards to some of the prices. Of course, they wanted that when the two-loom system was restored—that the old two-loom price would also be restored at the same time.

Chairman WALSH. Was there any other grievance save the change of the looms and the price to be paid therefor?

Mr. LESSIG. None that I know of.

Chairman WALSH. Nothing in regard to sanitation or to hours or general conditions, nothing but those two?

Mr. LESSIG. Nothing at that time.

Mr. THOMPSON. Now, going back to what I was questioning you about. With reference to the proposition that the changing to the three and four loom system would put the men out on the street, was that the strongest point from the standpoint of the worker?

Mr. LESSIG. That was the main issue.

Mr. THOMPSON. If the rates of pay offered to the workers who would remain had been sufficient, would there still have been a complaint that the weavers would have refused to have the new system?

Mr. LESSIG. Well, the workers all realized that it was only a matter of time; that the wages must come down if they were going to have that army of unemployed. They were wise enough to see that.

Mr. THOMPSON. And that is the statement, as you looked upon it, of the reasons for the strike?

Mr. LESSIG. The principal reason for the strike in the broad-silk industry.

Mr. THOMPSON. I am going to ask you a hypothetical question now, which you can give your opinion on if you have one: If the strikers had believed that the pay would not have been reduced of those remaining at work upon the introduction of the three and four loom system, would they still have struck, in your opinion, because it would have turned men out of work?

Mr. LESSIG. Well, whether it would have become as general, I question, but it was largely also a question of physical impossibility on the part of many to run four looms.

Mr. THOMPSON. Well, that would be a question somewhat up to the proprietor or the employer, if the business was not run properly?

Mr. LESSIG. He would have to seek the men that were physically able to run four looms, or women.

Mr. THOMPSON. Would you want to say, now, that the mere fact of the introduction of this newer machinery simply turned men out of work, free from other reasons, was the predominant cause of the strike?

Mr. LESSIG. You say the introduction of newer machinery?

Mr. THOMPSON. Yes.

Mr. LESSIG. Well, that is not true. There has been very little real improvement made upon the square loom in the last 20 years, to my knowledge, outside of the electrical motion to stop it when one end breaks out. Outside of that there has been practically no real improvement on a square loom outside of the Northrop loom.

Mr. THOMPSON. Then, when Mr. Doherty said this morning that they rebuilt their plant and put in this new machinery that was capable of being operated on the three and four loom system, and that they could not do it without the introduction of this new machinery, then he was mistaken, is that your attitude?

Mr. LESSIG. That is my opinion.

Mr. THOMPSON. Now, again to bring up that question, you feel that the question of the introduction of the three and four loom system was not solely the question of turning men out of work, but it had with it these other allied questions, and you can not separate from it the things of one proposition from another. That is to say, referring to the turning of every other man out of work, and in the next place it would give them physically harder work to do, and in the third place it would reduce the wages of those remaining. You can't separate these elements?

Mr. LESSIG. Positively not.

Mr. THOMPSON. As to the other things of the strike?

Mr. LESSIG. No.

Mr. THOMPSON. Now, how quickly and to what extent did the strike spread throughout the silk mills of Paterson?

Mr. LESSIG. Well, in three days we had practically the entire broad-silk plant tied up.

Mr. THOMPSON. How many people worked from your organization to bring that about, if you know, and did some of them come from outside the city of Paterson?

Mr. LESSIG. The entire work was done largely—in fact, all of the preparatory work was done by those on the inside here in the city of Paterson.

Mr. THOMPSON. That is, yourself and others?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Would you care to name those who were engaged in that work prominently?

Mr. LESSIG. Well, some of them are working in the mills and I should not care for them to lose their jobs.

Mr. THOMPSON. Well, name some that are not connected with the mills?

Mr. LESSIG. I should not care to mention anybody's name outside of those that to day are free from losing their position.

Mr. THOMPSON. Was Koettgen actively associated with you in your work?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. What was he here at that time?

Mr. LESSIG. He was the organizer.

Mr. THOMPSON. He was not connected with any mill?

Mr. LESSIG. No; at that time he was not working in the mill.

Mr. THOMPSON. Was he the one who organized your mill?

Mr. LESSIG. Well, I don't know. I suppose he helped. He and I did it together.

Mr. THOMPSON. How long had he been located in Paterson before the strike occurred?

Mr. LESSIG. Why, he had been living here some 15 or 16 years.

Mr. THOMPSON. How long had he been working as an organizer of the I. W. W. before the strike?

Mr. LESSIG. About, I think, 10 or 11 months.

Mr. THOMPSON. Was that his sole business at that time?

Mr. LESSIG. Yes, sir; so far as I know.

Mr. THOMPSON. What other people came in here, other officers of your I. W. W., to help organize and conduct the strike?

Mr. LESSIG. Well, we had written to Miss Flynn and Mr. Preska and a few others to come over and address meetings and help us to perfect and get the organization together.

Mr. THOMPSON. Did they come?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Did some others come afterwards?

Mr. LESSIG. Oh, there was on and off different ones who would drop in and give us a speech.

Mr. THOMPSON. Well, did Hayward come here?

Mr. LESSIG. Oh, yes; he came.

Mr. THOMPSON. And was here most of the time, wasn't he?

Mr. LESSIG. No. He stopped two or three days every week, and would go back again at night to New York and attend to whatever business he had to attend to over there.

Mr. THOMPSON. And come back again?

Mr. LESSIG. Yes.

Mr. THOMPSON. And did that during the course of the strike?

Mr. LESSIG. Yes, sir.

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Mr. THOMPSON. At that time did there exist two divisions of the I. W. W. as there are to-day?

Mr. LESSIG. Yes; there was two divisions at that time.

Mr. THOMPSON. And did a division occur here or had it occurred before the strike came on?

Mr. LESSIG. Yes; had occurred about four years ago; prior to the strike three or four years.

Mr. THOMPSON. Have you heard of Rudolph Katz?

Mr. LESSIG. Oh, yes.

Mr. THOMPSON. He is an organizer of the Detroit branch, is he not?

Mr. LESSIG. So I believe.

Mr. THOMPSON. Was he here then?

Mr. LESSIG. I believe he was in town at that time, so far as I remember.

Mr. THOMPSON. Well, if you know, did the striking weavers and others join also this Detroit branch as well as yours, some of them?

Mr. LESSIG. Some may have.

Mr. THOMPSON. Was there any difficulty between your organization and the Detroit organization at that time?

Mr. LESSIG. No; during the strike there were no differences.

Mr. THOMPSON. Did you have any conflict of any kind or any meetings with them?

Mr. LESSIG. No.

Mr. THOMPSON. There was no attempt either to fight or to get together?

Mr. LESSIG. No attempt whatever.

Mr. THOMPSON. And, so far as you know, they did come here and do some work, did they?

Mr. LESSIG. They may have done some work.

Mr. THOMPSON. How was the strike financed, so far as you are concerned? Did you pay those out on strike a certain strike benefit or certain strike moneys, or what was your method of conducting the strike so far as taking care of the people?

Mr. LESSIG. Well, the strike committee had appointed a relief committee, and they appealed to the country at large for funds in order to take care of that great mass of people.

Mr. THOMPSON. In appealing to the country at large did you make any specific appeal to any labor bodies as such?

Mr. LESSIG. No. We appealed to the working class in general; to the labor organizations, of course, in particular.

Mr. THOMPSON. At that time did you come in contact with Mr. Morgan, the organizer of the United Textile Workers?

Mr. LESSIG. Well, I never came in contact with him directly.

Mr. THOMPSON. Did your organization have any dealings with him at that time, do you know?

Mr. LESSIG. Not to my knowledge.

Mr. THOMPSON. And you probably would know if they did, would you not?

Mr. LESSIG. I would have known, I think.

Mr. THOMPSON. Well, as a result of that appeal to the country, did you get funds and were distributions made to the employees on strike or not?

Mr. LESSIG. Well, there wasn't any money distributed. It was distributed in the way of food and clothing.

Mr. THOMPSON. How, generally, did the strikers maintain themselves from in January, when the first strike started, until the strike was ended, some months later.

Mr. LESSIG. Well, in my opinion, I think they had conducted themselves—

Mr. THOMPSON (interrupting). I mean how did they maintain themselves so far as food and provisions?

Mr. LESSIG. Oh, you mean food. Well, I suppose some of them had a few dollars on the side, and others lived through the contributions and donations received from the relief committee.

Mr. THOMPSON. As an organization, you have no systematic method of relief?

Mr. LESSIG. No; it was impossible to get one in shape.

Mr. THOMPSON. How many people did you have out on strike at the time when the strike was at its height, we will say?

Mr. LESSIG. Well, it has been estimated there were 22,000 and 25,000. Whether this is absolutely correct I could not say.

Mr. THOMPSON. How many of them became or were members of your organization?

Mr. LESSIG. Oh, during the course of the strike there were about 9,000 enrolled as members.

Mr. THOMPSON. Did those men go back to work again when the strike ended?

Mr. LESSIG. So far as I know, they all did.

Mr. THOMPSON. Are they still members of your organization, if you know?

Mr. LESSIG. No; not many of them are now.

Mr. THOMPSON. Do you care to state how many members you have now in Paterson, or do you know?

Mr. LESSIG. According to the last report there were some 1,300 in good standing in the city of Paterson.

Mr. THOMPSON. Now, during the strike—

Chairman WALSH (interrupting). When was the last report?

Mr. LESSIG. That was last month, just before I left here.

Mr. THOMPSON. Well, during the strike what methods did you use to carry the strike on and to win it? In each case did you have a committee meet the employers as you did in the case of Doherty?

Mr. LESSIG. We were ready at all times, and the strikers were always advised if the employers wished to hold a conference or anything looking toward a settlement or bringing about a settlement they should always respond and hear what was offered.

Mr. THOMPSON. Well, did you approach the employers specifically, or did these committees approach the employers from time to time?

Mr. LESSIG. Some of them did, I understand. I was so informed.

Mr. THOMPSON. Was there any systematic effort made by them, by the organization?

Mr. LESSIG. I think on one occasion the strike committee had decided that all the shops should hold meetings to appoint committees to go to their respective employers and ask them what chance there was for effecting a settlement.

Mr. THOMPSON. You have spoken of a strike committee. Of whom did that consist, and how was it formed?

Mr. LESSIG. The strike committee was organized from the delegates, one or two from each shop, from each particular mill or shop.

Mr. THOMPSON. And about how many did that make?

Mr. LESSIG. In the neighborhood of about 250 or 300.

Mr. THOMPSON. How often did that committee meet, and did it have any other smaller committees to handle from moment to moment the affairs of the strike?

Mr. LESSIG. And then there was the executive board, a smaller board; but the strike committee met every night.

Mr. THOMPSON. Every night?

Mr. LESSIG. Every night for the first three or four months.

Mr. THOMPSON. Who appointed this executive committee or strike board?

Mr. LESSIG. The executive committee was from the union itself, but the strike committee was composed of members and nonmembers of the organization.

Mr. THOMPSON. Well, from the union itself, how many members had this executive committee?

Mr. LESSIG. I am not sure whether there were 15 or 20; but I think there were 20.

Mr. THOMPSON. Were they all local people in Paterson?

Mr. LESSIG. All local men from the city of Paterson.

Mr. THOMPSON. What part on that committee or any committee did Mrs. Girlie Flynn and Mr. Hayward and other people who came from the outside have?

Mr. LESSIG. None at all.

Mr. THOMPSON. An advisory capacity only?

Mr. LESSIG. That is all.

Mr. THOMPSON. What other things did you do with reference to the progress of the strike toward having the workers win? What did you do with reference to people who were still working in the mill?

Mr. LESSIG. Well, the committee, of course, the strike committee, usually delegated some one to try and induce these people also to join the ranks and make the ranks solid and close up everything tight.

Mr. THOMPSON. In many mills many people continued to work, did they not, throughout the strike?

Mr. LESSIG. It was reported some were working here, and again it was reported it was not true—some manufacturers used to start the looms up and

open the windows and make it appear that there was somebody working there, but it was only a lot of empty looms running.

Mr. THOMPSON. But there were some places where they were working?

Mr. LESSIG. Yes; probably here and there some members of the family.

Mr. THOMPSON. And you hear what was said by Mr. Doherty this morning, that 60 per cent of their men worked throughout the strike?

Mr. LESSIG. Well, it was always reported that that was not true—that there were not more than 8 or 10.

Mr. THOMPSON. Well, what method of picketing did you adopt with reference to the people who still worked or wished to work in the plants? How did you operate that? Who had charge of that, and how was it worked?

Mr. LESSIG. The shops usually decided the method of picketing when they would hold a shop meeting. If their shops needed picketing, they would decide among themselves as to the method of picketing to be used.

Mr. THOMPSON. What was the method usually adopted?

Mr. LESSIG. Well, they usually sent about half a dozen people to walk up and down and see who went in, and to try to approach them and urge upon them to stop working.

Mr. THOMPSON. What was done in case the people refused to stop working, but persisted in going ahead?

Mr. LESSIG. Well, I don't know of any particular way that was used, to my knowledge.

Mr. THOMPSON. Well, what was the policy of your organization? What is the policy of your organization in cases of that kind?

Mr. LESSIG. Well, we simply told them that, so far as committing violence on one or two working in a mill, that it simply would not do them any hurt, that one or two people could not run a shop; and we advised them that all during the strike to keep their hands in their pockets and do nothing.

Mr. THOMPSON. In other words, you counseled peace?

Mr. LESSIG. We counseled peace.

Mr. THOMPSON. And the abstaining from violence?

Mr. LESSIG. Positively.

Mr. THOMPSON. Is that the general policy of your organization strikes?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. You don't believe in violence?

Mr. LESSIG. We don't. We believe the most violent thing the workers can do is when they quit work.

Mr. THOMPSON. And that the violence should be limited to such action; is that the general policy of your organization?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. In other words, you take the attitude of a peaceful strike—the cessation of work and the persuading of others not to go to work?

Mr. LESSIG. That is the idea.

Mr. THOMPSON. And further than that you take your hands off; is that right?

Mr. LESSIG. That is what we adopted throughout this last strike.

Mr. THOMPSON. And is that the policy of your organization?

Mr. LESSIG. That is generally the policy that is adopted. Of course, there are always a few hot-heads, I dare say, who are not willing to follow that counsel.

Mr. THOMPSON. Then, if there are any members of your organization who say that is not the policy, they are not right; is that so?

Mr. LESSIG. That is the way I always understood it.

Mr. THOMPSON. Is Vincent St. John one of the officials of your organization?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Is he the chief official?

Mr. LESSIG. He is the general secretary-treasurer.

Mr. THOMPSON. Is he acquainted with the policy and purposes of your organization?

Mr. LESSIG. Well, I think he ought to be.

Mr. THOMPSON. Well, then, if he held or stated differently—made a different statement from what you did in regard to that fact—would he be apt to be correct or would you be apt to be correct?

Mr. LESSIG. Well, we would simply disagree upon methods, that is all.

Mr. THOMPSON. I mean, if he stated there was a policy of your organization to win a strike by whatever it was necessary to do to win, or if it was necessary to cripple a worker they would do it and that simply the means to be used were judged solely by the end in view, if he stated that and stated that

was the policy of your organization, then, so far as you understand it he has made a mistake, is that true?

Mr. LESSIG. Well, I would not advocate that.

Mr. THOMPSON. You would not advocate that?

Mr. LESSIG. I would not advocate that.

Mr. THOMPSON. Would you make a statement now with reference to what your organization would do in that respect? He was speaking about the organization. The policy was as I have stated, but you do not understand that to be the policy of your organization, is that correct?

Mr. LESSIG. That is the way I always understood it.

Mr. THOMPSON. Now, as I understand you again, at no time during the course or progress of this strike did any of your officers or did any of this committee counsel and advocate the commission of violence?

Mr. LESSIG. Not to my knowledge.

Mr. THOMPSON. Did they counsel or advocate the destruction of property, if you know?

Mr. LESSIG. Not to my knowledge.

Mr. THOMPSON. Is the destruction of property part of the recognized warfare of your organization?

Mr. LESSIG. Well, I have never heard of it as such.

Mr. THOMPSON. Well, in your opinion, or if in the opinion of your organization a strike could be won by blowing up a mill, would it be the policy of your organization, so far as it has announced its policy, to do it or advocate it?

Mr. LESSIG. Well, I believe that would just depend on that situation, and I believe it would be dealt with at that time.

Mr. THOMPSON. Well, assuming that that would intimidate or in any other way bring about a settlement of the strike favorable to your people, would you then advocate it?

Mr. LESSIG. Well, we probably would not hesitate to pursue that course then.

Mr. THOMPSON. Well, in that respect then, if Mr. St. John said that was part of your policy, he was correct?

Mr. LESSIG. To a certain degree.

Mr. THOMPSON. And he and you agree as to the policy of your organization in that matter?

Mr. LESSIG. To a certain degree.

Mr. THOMPSON. In your strike in Paterson did your organization carry out that policy?

Mr. LESSIG. We did not.

Mr. THOMPSON. It has been stated on the witness stand that three or four houses were blown up here in Paterson during the strike. Was that done in carrying out this policy of your organization or not?

Mr. LESSIG. So far as we could ascertain that was done by people on the outside of the organization.

Mr. THOMPSON. Yes. In other words, so far as you know your organization had nothing whatever to do with it?

Mr. LESSIG. Not with those cases.

Mr. THOMPSON. And so far as this strike, at least, is concerned your organization did pursue a peaceful policy?

Mr. LESSIG. Absolutely.

Mr. THOMPSON. What was the reason you were pursuing in this case a peaceful policy as the method to be used, as distinguished from the methods used in other strikes?

Mr. LESSIG. Well, we considered we had things pretty generally tied up, about 95 per cent was tied up good and fast, and we did not think that the— with such general solidarity we thought we could win our demands without any other methods being pursued.

Mr. THOMPSON. Now, during the progress of that strike, did you have any trouble with the authorities of this county and city?

Mr. LESSIG. Oh, yes.

Mr. THOMPSON. Well, how and with whom?

Mr. LESSIG. Well, I was arrested on the 30th day of March.

Mr. THOMPSON. How is that?

Mr. LESSIG. I was arrested on the 30th day of March when I was leaving Paterson, walking along the street, Mr. Haywood and myself.

Mr. THOMPSON. What was this 30th day of March?

Mr. LESSIG. Well, the committee had went and arranged for the purpose of holding a meeting on the baseball ground, called the Lafayette Oval.

Mr. THOMPSON. Well, where is that, with reference to the courthouse here?

Mr. LESSIG. Well, that lies in this direction [pointing northeastward], about a mile and a half.

Mr. THOMPSON. Within the city limits?

Mr. LESSIG. Yes.

Mr. THOMPSON. In the residence neighborhood?

Mr. LESSIG. Well, in somewhat open big baseball field there, and some farms in the rear, and the river adjacent to it, I would say within half a mile.

Mr. THOMPSON. What day of the week was it?

Mr. LESSIG. On Sunday afternoon.

Mr. THOMPSON. Tell us what occurred there and what you were planning there.

Mr. LESSIG. Well, it appeared that the committee had decided that we should hold a Sunday meeting out there.

Mr. THOMPSON. What committee—the executive committee?

Mr. LESSIG. Yes, sir; the executive committee had arranged for it, and we had advertised it and spread the word, generally, that we were holding a meeting. On Saturday afternoon, about 5 o'clock, the chief of police sent for me and informed me that we could not hold that meeting. I told him I was only one man and that I had no authority to call it off, and I would have to see the rest of them, and told him that it was advertised in the papers for the next day, and he said, "Well, they had contradicted it," and he told me it would have to be called off.

Mr. THOMPSON. This Lafayette Oval, is that private grounds or public grounds?

Mr. LESSIG. Well, as far as we inquired who the lot belonged to, we were informed that we could hold a meeting there, and when the chief informed me that, I saw Mr. Haywood and Mr. Treska, and informed them and told them that I thought there was going to be a great deal of violence, and probably somebody get hurt; and we decided we would hold no meeting, but knowing that the people were going out there to assemble, we went there and marched down to this Lafayette Oval, and then marched down toward Haledon.

Mr. THOMPSON. That is on the outside of the city limits?

Mr. LESSIG. That was on the outside of the city limits.

Mr. THOMPSON. How far had you succeeded in getting before you say you were arrested?

Mr. LESSIG. Well, now, we had marched down Lafayette Street and were crossing over, and were within 500 feet, I am informed of the boundary line between Paterson and Haledon, when we were arrested.

Mr. THOMPSON. And when you were arrested, who was with you at the time?

Mr. LESSIG. Mr. Haywood and myself marched up toward the front—about 40 or 50 people in front of us.

Mr. THOMPSON. Any people behind you?

Mr. LESSIG. Oh, yes; probably eight or nine hundred, marching in all fashions.

Mr. THOMPSON. What occurred then?

Mr. LESSIG. Well, the patrol wagon came running up, and Sergt. Ryan and a few other officers jumped off, and told Mr. Haywood and myself that we were under arrest.

Mr. THOMPSON. Did he tell you the reason why?

Mr. LESSIG. Oh, no.

Mr. THOMPSON. What was done then?

Mr. LESSIG. We were brought down here to the station house and we stayed there over night.

Mr. THOMPSON. Then what occurred?

Mr. LESSIG. Then, the next day, about 2 or half past 2, we were brought before the recorder.

Mr. THOMPSON. Then what was done?

Mr. LESSIG. Well, the police got up and testified—about a dozen of them—and we got six months.

Mr. THOMPSON. Well, what did the police say when they testified?

Mr. LESSIG. Oh, they testified that we had blocked the highways; that people had to get out into the street; and that we were disturbing the peace.

Mr. THOMPSON. Did they say how you were disturbing the peace?

Mr. LESSIG. Well, the charge was disorderly conduct.

Mr. THOMPSON. Well, did they say what the disorderly conduct consisted of?

Mr. LESSIG. Well, disorderly conduct; and that we were marching along the street and that people who were trying to come in the opposite direction could not pass us. Now, two of us were together, and the rest of the people

were along, some in front and some out in the street, and they maintained that the people had to step out in the street in order to get past.

Mr. THOMPSON. How were the people ahead of you proceeding, in a marching order or any way they happened to be?

Mr. LESSIG. Any way; like a crowd naturally would march.

Mr. THOMPSON. And the people were following you, and how?

Mr. LESSIG. In the same manner—no prearranged method or manner—just simply marched. All we wanted was to get there.

Mr. THOMPSON. Had any statement been made at the time you adjourned the meeting at the Oval as to where you were going or—

Mr. LESSIG (interrupting). We had not adjourned the meeting at all; didn't even open the meeting. Simply walked around and told people that there would be no meeting. And we walked on and the people followed on the pavement.

Mr. THOMPSON. What was the reason the people followed on?

Mr. LESSIG. Well, I suppose they thought there would be a meeting held somewhere, and some of the people hollered "Go on to Haledon."

Mr. THOMPSON. And everyone seemed to take it for granted that you would go on to Haledon?

Mr. LESSIG. Yes; we thought we would march right on and it would be the easiest way to get them away from there and save trouble.

Mr. THOMPSON. You say you were given six months?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. You made a statement of the case, then.

Mr. LESSIG. Well, we neither one testified. Our attorneys—they simply gave notice of appeal; and then, when we thought we were through with that, we were brought back again and another charge of unlawful assemblage made and \$5,000 put against us.

Mr. THOMPSON. By the recorder?

Mr. LESSIG. I don't know whether by the recorder or by the sergeant who arrested us.

Mr. THOMPSON. Well, some of the authorities, anyway?

Mr. LESSIG. Some of the authorities, anyway.

Mr. THOMPSON. You were in jail over night?

Mr. LESSIG. I was in six days.

Mr. THOMPSON. What else? But first, why did you want to go to Haledon?

Mr. LESSIG. Well, we figured it this way, that the people would only lie around there and perhaps some one might start some trouble, and it might be that some one there in the crowd would be only too anxious to start something, probably from the other side, and we figured if we marched that way the people would go there and that would take them away from that district.

Mr. THOMPSON. How about the district of Haledon?

Mr. LESSIG. Well, that was over on the other side, and they had a Socialist mayor there and he would not have any objections to us coming there and holding a meeting.

Mr. THOMPSON. Well, in what other manner did you come in contact with the authorities during that strike, and what was done?

Mr. LESSIG. Well, I never came in contact with them after that until, I think, it was some time toward the end of April, I was rearrested.

Mr. THOMPSON. What was that for?

Mr. LESSIG. I was indicted by the grand jury that afternoon on the charge of unlawful assemblage, which I had already been discharged on; one case by the justice of the peace. They returned a charge of unlawful assemblage, and I hadn't done anything that day except at a meeting of the strikers which assembled at half past 8 or 9 o'clock on that morning.

Mr. THOMPSON. Was that case tried?

Mr. LESSIG. I am still under that indictment. All the others have been discharged.

Mr. THOMPSON. Your other case was appealed?

Mr. LESSIG. Yes, sir; it was taken to the higher courts.

Mr. THOMPSON. What was done with that appeal?

Mr. LESSIG. The judges reversed the decision of the lower court.

Mr. THOMPSON. And discharged you?

Mr. LESSIG. We were discharged.

Mr. THOMPSON. In what other cases did either you or the strikers, or their officers, officially come in contact with the authorities, if you know?

Mr. LESSIG. Well, we had about 1,800 strikers, as far as I can make a calculation, that were arrested during the strike.

Mr. THOMPSON. Well, start out and give the facts about that, when the first arrest was made and for what purpose, and by whom.

Mr. LESSIG. Well, the first arrests, to my knowledge, I believe, was on the first day of the strike. I believe there were a few boys arrested for marching, if I am not mistaken, and I believe they were subsequently discharged.

Mr. THOMPSON. How many, if you know, were marching at that time?

Mr. LESSIG. Well, according to the report, it was stated that there were some three or four hundred. Whether that is true or not I don't know; that's all I know about it; I was not with them.

Mr. THOMPSON. How many were arrested, if you know?

Mr. LESSIG. As far as I know, I believe there were only two or three, and I believe they were subsequently discharged, if I am not mistaken.

Mr. THOMPSON. What next arose, or what was done by the authorities during the strike?

Mr. LESSIG. After that they arrested some for walking around the mill, picketing.

Mr. THOMPSON. What were the pickets charged with doing and what was the result of those arrests?

Mr. LESSIG. Unlawful assembly, disorderly conduct; they usually got 10 days or \$10. If they hadn't the \$10, they got 10 days.

Mr. THOMPSON. What other cases were there that were arrested other than charges as to unlawful assemblage and disorderly conduct?

Mr. LESSIG. Those were the usual charges, either unlawful assemblage or disorderly conduct.

Mr. THOMPSON. Were you present when those arrests were made?

Mr. LESSIG. No.

Mr. THOMPSON. You say from the beginning of the strike to the end of the strike there were about 1,800 people arrested?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. How many were fined and how many were jailed?

Mr. LESSIG. In the beginning quite a number started to pay their fines and to offset that and stop it, we told the people to go ahead and crowd the jail until they hadn't room, and to stop paying fines; that if we paid the \$10 every time they were arrested the city officers would only be too glad to enrich the city treasury and that the only way to do away with that was to crowd the jail—and that they did to the queen's taste.

Mr. THOMPSON. Then you don't know what proportion of the 1,800 were fined, and what proportion were discharged?

Mr. LESSIG. No; I believe the council could give you more information on that.

Mr. THOMPSON. Well, anyway, in what other manner of respect did you come in contact with the authorities of the city, or with any other authorities?

Mr. LESSIG. We never came in contact with them, except as I came into the halls; because if I walked on the street it would simply mean six months, for they would take me over in the patrol wagon—I know that was a foregone conclusion.

Mr. THOMPSON. Why do you make that assertion?

Mr. LESSIG. Well, it seemed that they were laying for those who were taking an active part in the strike.

Mr. THOMPSON. What makes you think they were? What did they do any time that you were arrested, you and Mr. Haywood? Who else was arrested for taking an active part?

Mr. LESSIG. Mr. Treska, the Italian speaker, was arrested about five times; Patrick Quinlan was arrested probably four or five times, Mr. Haywood was arrested, and Miss Flynn was arrested four or five times.

Mr. THOMPSON. And when these parties were arrested, were they discharged? Or how were they treated?

Mr. LESSIG. Most all were placed under bail.

Mr. THOMPSON. Police bonds?

Mr. LESSIG. Police bonds, to appear at the higher court.

Mr. THOMPSON. And have those cases been tried or were they tried?

Mr. LESSIG. One or two of them were tried, and the majority are still pending. Mr. Scott, Mr. Boyd, and Miss Flynn were tried, and some were discharged. At Quinlan's first trial the jury disagreed, at the second trial he was convicted. In Scott's case it was left, I believe, to the judge to decide, and I think his case was reversed by the higher court.

Mr. THOMPSON. Did your people on this strike have any feeling toward the city authorities? What was the attitude of the strikers and of your officials toward the city authorities?

Mr. LESSIG. Well, at times our people were very hostile, in fact, they threatened to become so, and we had a great deal of trouble to hold them in check.

Mr. THOMPSON. Why did they become hostile, if you know?

Mr. LESSIG. Why, at some of the times the officers became very brutal.

Mr. THOMPSON. Tell us of a case?

Mr. LESSIG. Well, there was one or two cases of the strikers being brutally treated, and a case where a striker's wife was also assaulted by the officer, and the strikers became very highly incensed.

Mr. THOMPSON. Were those the only cases?

Mr. LESSIG. And then there was an outsider—not a striker, but an outsider—shot on his doorstep in the riverside section.

Mr. THOMPSON. What other case incensed the people, if you know?

Mr. LESSIG. Well, several of the officers seemed to discriminate in certain ways as to arresting Italians and Jews, principally.

Mr. THOMPSON. This was a strike involving 25,000 people?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. And such cases as those you have mentioned were numerically very few?

Mr. LESSIG. Yes; that is so.

Mr. THOMPSON. But yet just a case or two like that would not incense them?

Mr. LESSIG. But every day we were having more or less difficulty; sometimes there were cases that were not reported; sometimes the officers acted very brutally; and sometimes there were arrests of 50, 60, and 70 people in a batch for picketing a mill.

Mr. THOMPSON. That was the general attitude of the police, you mean to say?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Did you keep any record of what they did at that time?

Mr. LESSIG. No; I have not.

Mr. THOMPSON. But this general attitude of the people, did you share in that yourself?

Mr. LESSIG. Well, I don't know that I did.

Mr. THOMPSON. How did you feel; did you feel that the police conducted themselves as you would do as a policeman, or not?

Mr. LESSIG. Well, I thought I could have winked the other eye on many occasions. Many of them were silk workers themselves a few years ago.

Mr. THOMPSON. What do you mean by "winked the other eye"?

Mr. LESSIG. Looked the other way.

Mr. THOMPSON. Why?

Mr. LESSIG. Give the other fellow a chance.

Mr. THOMPSON. What to do?

Mr. LESSIG. Well, walk up and down; he was really doing nothing. They were simply too strict. No doubt about that.

Mr. THOMPSON. What was the strictness of the police due to, so far as you know, generally, was it due to their own attitude toward the strikers as men, or did it come from other sources?

Mr. LESSIG. Well, I think a great deal of it was mostly the animosity against the foreign nationality of the people.

Mr. THOMPSON. What were the police; weren't the police foreigners, too?

Mr. LESSIG. Well, I daresay a great many of them don't regard themselves as such. They had been here a little bit ahead of the other fellow, that's all.

Mr. THOMPSON. What was the attitude of the strikers, if any, toward the officials of the strikers and the members of the city departments, if you know?

Mr. LESSIG. Well, I don't know if I ever heard any, outside of grumbling here and there that this one and that one would probably do something in order to bring about a settlement with the mills, and bring the strike to an end.

Mr. THOMPSON. Well, did you at that time have any specific complaints against the city authorities as such?

Mr. LESSIG. Well, we were very well satisfied that the manufacturers could get anything they wanted from the police department.

Mr. THOMPSON. I know, but that is a conclusion. What was that based on?

Mr. LESSIG. Well, take, for instance, the day that I got six months; I saw a manufacturer come walking out of the recorder's room.

Mr. THOMPSON. What was the name of the recorder?

Mr. LESSIG. Judge Carroll.

Mr. THOMPSON. Judge Carroll?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. What was Judge Carroll's attitude toward the workers?

Mr. LESSIG. Always against them; because many times many of them would get \$10 or 10 days when they hadn't done anything, by the facts in the case, whatever.

Mr. THOMPSON. Well, is this feeling that you state a general feeling entertained among the workers?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Were there any other officials the workers had in mind?

Mr. LESSIG. Oh, there might have been one or two mentioned at different times whom the people were sort of embittered against, thinking he was, perhaps, responsible for their troubles.

Mr. THOMPSON. Have you looked up the records to see what the fines were against your people?

Mr. LESSIG. No; I have not.

Mr. THOMPSON. I think you stated that after a while you did formulate some demands. Were those general demands against the mills as a whole? And if so, what were they?

Mr. LESSIG. The general demands that were drafted were for a shortening of the workday, the abolition of the three and four loom system, and were driving a price list as near uniform as we thought it was possible to get. And the workers presented it to the bosses for their consideration.

Mr. THOMPSON. And the workers in each mill?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Presented it separately to each boss?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. What was the result of those demands?

Mr. LESSIG. The usual reply was that they would have nothing to do "with you nor hold nor give you no answer until you come back in the mill as you went out, and then we will treat with you."

Mr. THOMPSON. Was that the final conclusion of the matter?

Mr. LESSIG. That was the final conclusion of the matter; that was the reply that they always received.

Mr. THOMPSON. Did the strike end?

Mr. LESSIG. It did not.

Mr. THOMPSON. Is it still on?

Mr. LESSIG. Well, the——

Mr. THOMPSON (interrupting). Has the strike ended?

Mr. LESSIG. Well, the strike, to my mind, has not ended yet.

Mr. THOMPSON. It has not?

Mr. LESSIG. No, sir; simply deferred.

Mr. THOMPSON. The workers generally have gone back to work?

Mr. LESSIG. Generally, the workers have gone back to work.

Mr. THOMPSON. Are they using any other methods of striking other than quitting the work?

Mr. LESSIG. Oh, yes; what we call passive resistance.

Mr. THOMPSON. What form is that taking?

Mr. LESSIG. Sometimes they strike on the job.

Mr. THOMPSON. Yes.

Mr. LESSIG. Stay in the mill and refuse to work for a couple of hours; send a committee down to see the firm; and, if they can not get any satisfaction, continue to work a couple days and repeat the same system the next day.

Mr. THOMPSON. What else?

Mr. LESSIG. I don't know, unless some might be slackening up on production a bit.

Mr. THOMPSON. Is it within the policy of your organization to destroy goods in the making; for instance, do poor work?

Mr. LESSIG. You say is——

Mr. THOMPSON (interrupting). Where you have a grievance and it has not been adjusted to your satisfaction, is it a part of the policy of your organization, as you say, to quit any job and do slow work—lessen production? Is it also a part of your policy to make poorer goods—try to destroy the goods in the making?

Mr. LESSIG. Well, we do not make any hesitancy sometimes to say to do those things in order to gain your demands. We have been frank to admit it.

Mr. THOMPSON. Yes.

Mr. LESSIG. Other people have done it, but have not admitted it.

Mr. THOMPSON. Is it part of the policy?

Mr. LESSIG. Yes.

Mr. THOMPSON. Was that carried on in any of the mills here at the time of this strike, after people had gone back to work?

Mr. LESSIG. Not to my knowledge. It was never brought to my knowledge, at any rate.

Mr. THOMPSON. When you say the strike is really on still, what do you mean?

Mr. LESSIG. We have two strikes on here in Paterson now.

Mr. THOMPSON. Part of the original strike?

Mr. LESSIG. Well, they have been extended over from one thing to another; where a promise practically given was not accepted.

Mr. THOMPSON. Where your members were worn out and had to go back to work, and they went back to work with a reservation?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Intending to take up the struggle later on?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. Has the strike resulted, so far as you know, in any benefit to the workers?

Mr. LESSIG. In some cases. In some cases they have secured a shorter workday.

Mr. THOMPSON. What, for instance?

Mr. LESSIG. We have some mills running nine hours.

Mr. THOMPSON. What mills?

Mr. LESSIG. Schuh & Michels; another concern on Broadway is running nine hours.

Mr. THOMPSON. How many do they employ?

Mr. LESSIG. In the neighborhood of 45 or 50.

Mr. THOMPSON. How many hours before the strike?

Mr. LESSIG. Fifty-five.

Mr. THOMPSON. How many hours do they work on Saturday?

Mr. LESSIG. Four and one-half.

Mr. THOMPSON. Four and one-half?

Mr. LESSIG. Yes, sir.

Mr. THOMPSON. What other mills?

Mr. LESSIG. Schuh & Michels and Van Raalte; there is the Dean, in Summit, the silk mill down there, which is a part of this organization here; they gained a shorter workday; and Taylor & Friedsam; the United Silk Co. had the nine-hour day and they are fighting to retain it. They are compelled to go on strike again. The Rosenheim, the Augusta silk mill, they have been running nine hours a day, and they wanted to put them on 10, and succeeded for awhile and are now striking for nine hours. There were a number of shops induced them to come back on the promise that they would get nine hours, and they were foolish enough to fall and were put back on 10.

Mr. THOMPSON. About how many of the people in the shops you have named get nine-hour days?

Mr. LESSIG. Where the weavers get it, they all get it now.

Mr. THOMPSON. How many would that include?

Mr. LESSIG. In the neighborhood of 250 or 300; that is, including all employees. But there are other places outside of Paterson that gained the nine-hour day; for instance, New York and Compton; they are running nine hours now as a result of the struggle here.

Mr. THOMPSON. Referring again to the activities of the police, you mentioned something about a hall that you had a meeting in. What was that? I don't believe you brought that out. You mentioned something about the difficulty in the meeting hall.

Mr. LESSIG. Well, we used to hold a meeting every day in Turn Hall, and we had leased that building, and paid so much a day, so much a week, and the police used to come over there sometimes, and at various times they made themselves very obnoxious. I know on one particular occasion I expected a riot to break out over the bad judgment of a couple of men in the rear part of the hall, and they went so far as to close the hall, forbid the proprietor from allowing us to hold meetings in that hall.

Mr. THOMPSON. Were you stopped from holding your meetings there?

Mr. LESSIG. The halls were locked against us. We were forced then to meet out in the open air.

Mr. THOMPSON. Out in the open air?

Mr. LESSIG. We had no choice.

Mr. THOMPSON. Were you molested there?

Mr. LESSIG. They used to send their officers on the ground.

Mr. THOMPSON. That is all, Mr. Chairman.

Commissioner LENNON. When did you join the I. W. W.?

Mr. LESSIG. When I joined it?

Commissioner LENNON. Yes.

Mr. LESSIG. I joined it around back in 1905.

Mr. THOMPSON. Had you been a member of any labor organization before that?

Mr. LESSIG. I think I had been a few years before that. I was a member of the United Textile Workers.

Mr. THOMPSON. You are a textile worker in your business?

Mr. LESSIG. Yes, sir.

Commissioner LENNON. Did any of the men who spoke in public for the I. W. W. campaign here advocate violence in their speeches?

Mr. LESSIG. I never heard any of them advocate violence in their speeches.

Commissioner LENNON. They did not advocate what you call sabotage, or anything of that character?

Mr. LESSIG. I believe one man was charged with having stated to the workers that they should use sabotage, but I believe that that was the week that I was up in jail.

Commissioner LENNON. You were in jail?

Mr. LESSIG. Yes, sir.

Commissioner LENNON. That is not surprising, if you were in jail.

Mr. LESSIG. I didn't hear that. Otherwise, I was chairman of the meeting every day.

Mr. THOMPSON. Are you working in Massachusetts now?

Mr. LESSIG. I am acting as secretary of the National Union of Textile Workers at the present time.

Mr. THOMPSON. You are up there temporarily?

Mr. LESSIG. Temporarily.

Commissioner O'CONNELL. What was the cause of the split in the I. W. W. that caused this Chicago and Detroit faction, those two factions?

Mr. LESSIG. Well, it was the question of a political clause in the preamble.

Commissioner O'CONNELL. What was that?

Mr. LESSIG. Well, that the working class must come together on the political as well as on the economic field, and that clause was stricken out.

Commissioner O'CONNELL. Doesn't your faction believe in a political field?

Mr. LESSIG. We do not bother our heads about it.

Mr. THOMPSON. You bothered your heads to the extent of disagreeing with the Detroit faction?

Mr. LESSIG. That was in order to have peace in the organization.

Commissioner O'CONNELL. And they organized a new faction of the I. W. W. simply because the older faction would not put in its constitution the political action that was necessary.

Mr. LESSIG. That convention had eliminated that clause?

Commissioner O'CONNELL. Does your faction believe in it or not?

Mr. LESSIG. Well, we don't bother about it. We leave every man to use his own judgment, if he wants to go to politics.

Commissioner O'CONNELL. Has the Detroit faction got political action in its platform?

Mr. LESSIG. So I believe.

Commissioner O'CONNELL. One of your officers of your organization, as I recall it—I may not quote him correctly, but he appeared before the commission in New York and said that the I. W. W., as he remembered it, did not believe in political action of any kind, and would not trust the affairs of their organization or of themselves individually to politicians or to politics. Is that your position?

Mr. LESSIG. That is my position.

Commissioner O'CONNELL. Then the only difference between your factions is a question of political action?

Mr. LESSIG. That is all.

Mr. THOMPSON. Are you acting together or otherwise?

Mr. LESSIG. Well, I believe otherwise we get along pretty well together.

Commissioner COMMONS. Did this split in the national organization have anything to do with the trouble here in Paterson?

Mr. LESSIG. Oh, no.

Commissioner COMMONS. Did the American Federation of Labor organizers, or the United Textile Workers, send any organizers down here during the trouble?

Mr. LESSIG. Only so far as I know about that meeting they arranged up there in the armory, and I believe they made an attempt at that time to get people enough to put on some semblance of an organization, and through them that they would then go and settle the strike without the sanction of the great mass who were on strike.

Mr. THOMPSON. I think it was stated here this morning that that meeting was broken up by one of your organizers or speakers.

Mr. LESSIG. Well, that statement was incorrect in this way: They stated that we had come down there for the evident purpose of breaking the meeting up. That was not true. We had advised the people to keep away, but they insisted they were going to go there to hear, and when we got up there, when they got up, they could not get any semblance of order and they requested our organizer at the time to get up on the platform and get the crowd to order for them, and when he got up on the platform he did get order, but he asked them in the meantime, "Will you give us a hearing," and they said, "No; you can't be heard here." And he notified the crowd to that effect, with the result that they all marched out of the hall with the exception of probably a thousand or two who stayed to linger and really did, perhaps, to some extent, interrupt the meeting.

Commissioner COMMONS. What is the issue between your organization and the United Textile Workers?

Mr. LESSIG. The only issue is in the form of organization. We believe in one big union, and they believe in dividing the workers up into various crafts-- and I believe that is, well, not the principal reason.

Mr. THOMPSON. But still they provide for organizing everybody in a short time into different locals of the same general organization.

Mr. LESSIG. Yes, sir; but that does not agree with our idea of organization. We say that where there is an injury to one there is an injury to all.

Commissioner COMMONS. They have a local, say, of loom fixers, weavers, twisters, and all the way down. You would not distinguish between them? You would have the loom fixers in the same room with the weavers?

Mr. LESSIG. Yes, sir.

Commissioner COMMONS. Is that the way you conduct all your meetings, then, have them all together?

Mr. LESSIG. Yes, sir; we tell them an injury to one is an injury to all; that one branch can not expect to better its condition at the injury to another branch, and they simply resolve themselves into jurisdictional quarrels.

Commissioner COMMONS. Do you find that the Italians and Jews are difficult to organize and keep in an organization?

Mr. LESSIG. Well, to a certain extent they are, for the reason they are unfamiliar with the language, and it is the fear of losing their job; job cowardice. They are not so familiar with the language to go around and ask for jobs at different places, and the bosses make every attempt to crush any effort or attempt at organization. They simply stick to and won't allow it to exist if they can possibly help it.

Commissioner COMMONS. Why do you say that the police attacked the Italians and Jewish people more than other nationalities?

Mr. LESSIG. Well, every one blamed it on the Jews and Italians for having been responsible for the strike. The year before there had been a strike and they called it a Jew strike, and last year they called it an Italian strike.

Commissioner COMMONS. What proportion of your membership here are English speaking?

Mr. LESSIG. Oh, about 10 per cent; that is about all there is, 10 per cent English speaking.

Mr. THOMPSON. Did you have speakers for each of the languages?

Mr. LESSIG. As near as we could get them. Of course, we had never had any Roumanians or Syrians; once we had a Syrian, I believe, or a Roumanian.

Commissioner COMMONS. Do you find as a matter of fact that English speaking and the skilled trades, work together in the same organization, cooperate, in your organization? You say you believe in one big union, all meeting together and doing business together?

Mr. LESSIG. Yes, sir.

Commissioner COMMONS. Do you find they work together?

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Mr. LESSIG. Well, we believe they can be made to harmonize when they understand.

Commissioner COMMONS. You are a weaver, I believe?

Mr. LESSIG. Yes, sir.

Commissioner COMMONS. Do you find that the Italians and the other weavers work together with English-speaking weavers?

Mr. LESSIG. Well, they work together. You will find different nationalities line up, one alongside of the other, mixed and jumbled together—Jew, Italian, German, Polack, Austrian, Syrian, Roumanian, Irish, English, they all look alike.

Commissioner COMMONS. Do you have any policy of making any agreements with the employers?

Mr. LESSIG. Well, we have come to the conclusion that it was not good policy to make an agreement, because they would not keep it anyway.

Commissioner COMMONS. That is your only reason, is it?

Mr. LESSIG. Well, principally. We don't believe we ought to have our hands tied. We believe we ought to be free to take advantage of every opportunity, the same as he does.

Commissioner COMMONS. Is your reasoning like that which the loom fixers have? They make no agreement—is it a similar reasoning?

Mr. LESSIG. Well, the loom fixer seems to occupy for the present time a little position of advantage, and if some fellow will offer him a dollar or two a week more, he will drop this fellow and go some place else and get it. If the employer can get some one to take his place it is all right. But he practically tells him, "Give me the money and I will stay here."

Commissioner COMMONS. What is the difference between their agreements or their attitude toward agreements and yours?

Mr. LESSIG. In some cases they sign agreements; like the one they signed up in Henry Doherty's, the textile workers. At any rate, they are one of the organization.

Commissioner COMMONS. They signed an agreement for the loom fixers?

Mr. LESSIG. I don't know whether the loom fixers took part, but the United Textile Workers, with which they are affiliated, signed that agreement.

Commissioner COMMONS. That covered the weavers?

Mr. LESSIG. Yes, sir.

Commissioner COMMONS. You stand opposed to such an agreement covering the weavers?

Mr. LESSIG. Positively.

Commissioner COMMONS. Would you expect to get an employer to give you the conditions that you ask for unless he has some understanding that you will furnish him work steadily as long as the agreement lasts? How can he afford to make any agreement with you at all if you take that position?

Mr. LESSIG. How does he do now when he has no organization in his place? He never knows whether he is going to have a walkout or not, when he has no organization.

Commissioner COMMONS. Do you know if he has an organized shop that stays during the period of the agreement?

Mr. LESSIG. Not only that, but even if they had no agreement, if they were organized, the chances are they would try to arrive at some settlement before they would strike, whereas if there is no organization they simply have no choice in the matter but to strike first and demand afterwards. They are no—they have no choice. They are not allowed to organize.

Commissioner COMMONS. Then your position is that seeing that the loom fixers do not make any agreement, they can settle their disputes with the employer before they strike, is that it? Now, if you could organize the shop you would do the same as the loom fixers do?

Mr. LESSIG. Perhaps I would; we might be able to at least have more order and system in organization. That is the reason why we have double the proposition in maintaining order and system.

Commissioner COMMONS. Because you do not have control over the shop?

Mr. LESSIG. That is the idea; you can not get it. As soon as the employer finds out that his workers are organized, he immediately begins to weed them out, and that frustrates all attempt. There is only one attempt to organize them, and that is to get them on strike and take the chance of organizing and winning.

Commissioner COMMONS. Do you attach any importance to this point made by the employers, that the conditions are such, so much worse in Pennsylvania that they can not afford to give your demands here?

Mr. LESSIG. And they own the mills in Pennsylvania. They own annexes. Commissioner COMMONS. Well, they might move their entire businesses over to Pennsylvania.

Mr. LESSIG. Like the New England manufacturers moved them down South. Commissioner COMMONS. You attach no importance to that, do you?

Mr. LESSIG. Positively not.

Commissioner COMMONS. You say they could accept your demands and go ahead and do business here?

Mr. LESSIG. Yes, sir.

Commissioner COMMONS. Do you think that the sole reason for refusing to accept your demands?

Mr. LESSIG. Well, I have never heard it stated. They simply would make, give no other answer. There were various meetings that were called by the city officials for the purpose of trying to see if some settlement could not be brought about, and their only reply was they would have nothing to offer.

Commissioner COMMONS. Did you operate four looms?

Mr. LESSIG. Well, I think I did operate four looms, but it was not called a four-loom job; it was called a two-loom job. About 19 or 12 years ago one man used to run one of those looms, and I was running two. They started there by putting in first two 24-loom; they started that, with a Jacquard, five or six shuttles. If that was not a four-loom job, I don't know what was.

Commissioner COMMONS. You refer to the more recent operation of putting on the cheaper work with the four looms in place of two. That was simply, as I understand it, a complicated kind of Jacquard loom, it was hard work?

Mr. LESSIG. Well, that is where they make the start. It is just as Mr. Doherty stated, you only start it on plain work, as an entering wedge, and there is no limit to what a man can do. We know that he got them up there, weavers came and gave me the list of goods they were making in there, and told me the weavers were lying down between the looms between 12 and 1 and trying to get some rest. That was the reason for the strike. It was a question of two looms at the four-loom price or quit.

Commissioner COMMONS. You consider running a loom, as a weaver, is very trying work?

Mr. LESSIG. Positively it is.

Commissioner COMMONS. In what way?

Mr. LESSIG. It is tedious work, and a man's nerve must be on the tense all day, and he has to be right there on the job with the work he does. First, we put on 15 inches wide, then 24 inches wide, and then 36, and now they run three thirty-sixes in one loom. Some, they have two thirty-sixes, and now they are going to give them four 36-inch looms. They have doubled up in the work in every way, and to no advantage to the weaver.

Commissioner COMMONS. Have not the looms been improved during this process of increasing the amount of work?

Mr. LESSIG. I have been weaving for the last 30 years, and I have seen little improvement in the loom since 1880. Stop motion on the outside if the thread breaks out it has been the only great one.

Commissioner COMMONS. Isn't that a very great one? It stops a machine as soon as the thread breaks.

Mr. LESSIG. Yes, sir; but in some of the looms you can not use that. It interferes with the fabric.

Commissioner COMMONS. You say, then, that the intensity of the work, the hardship of the work, has greatly increased, do you?

Mr. LESSIG. It is a sure thing that a man can not do two things as easy as he can do one. Twice the amount of work that his father or forefather did 25 or 30 years ago; you do twice the amount. They used to run one loom; now they are running two, three, four.

Commissioner COMMONS. What wages did you get as a skilled man, when you called yourself a skilled man 30 years ago?

Mr. LESSIG. Well, I was not working in the silk then; I was working in cotton.

Commissioner COMMONS. Go back to when you started on silk.

Mr. LESSIG. I never became a weaver until I was probably twenty-odd years old, but I was working around the mills all the time.

Commissioner COMMONS. How long ago since you started silk weaving?

Mr. LESSIG. I came to Paterson in 1902.

Commissioner COMMONS. What were you earning then, in 1902?

Mr. LESSIG. I guess about the same as last year. There wasn't much difference.

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Commissioner COMMONS. What were the earnings by weeks?

Mr. LESSIG. I used to average \$13.50 or \$14 a week.

Commissioner COMMONS. On broad silk?

Mr. LESSIG. Yes, sir.

Commissioner COMMONS. What did you average prior to this strike?

Mr. LESSIG. I believe the last six months I had figured it out and found I run a little above the average, probably \$1.

Commissioner COMMONS. About \$13.50?

Mr. LESSIG. About \$11.50; but then I had bigger and heavier jobs.

Commissioner COMMONS. So that in 10 years your wages increased about \$1 a week?

Mr. LESSIG. If you say increased; I was doing much more work.

Commissioner COMMONS. You say the work was doubled, but I want the wages.

Mr. LESSIG. About \$1.

Commissioner COMMONS. You claimed you worked double, and yet are increased \$1?

Mr. LESSIG. Not much more; only about a dollar.

Commissioner COMMONS. Only about a dollar?

Mr. LESSIG. That is all.

Commissioner COMMONS. At that time you were running one loom, were you?

Mr. LESSIG. Yes, sir.

Commissioner COMMONS. Now, at this time, how many were you running?

Mr. LESSIG. Two.

Commissioner COMMONS. You were running two looms?

Mr. LESSIG. Yes, sir.

Commissioner COMMONS. Those two were automatic?

Mr. LESSIG. No, sir.

Commissioner COMMONS. What?

Mr. LESSIG. No, sir; the same kind of a loom.

Commissioner COMMONS. The same loom?

Mr. LESSIG. The same loom.

Commissioner COMMONS. Was it the same kind of goods? The same quality?

Mr. LESSIG. Practically the same class of fabric.

Commissioner COMMONS. The same fabric?

Mr. LESSIG. Practically the same.

Commissioner COMMONS. Was there any difference in the size of the cloth as it went through; the same picks?

Mr. LESSIG. No, sir. I think it has run about pretty near uniform, same number of picks and same grade of goods.

Commissioner COMMONS. What firm did you work for 10 years ago?

Mr. LESSIG. I think 10 years ago about this time I believe I was working for a firm known as Barstow, McCollum & Post, and they were making plain goods.

Commissioner COMMONS. That is where you were getting that amount of wages?

Mr. LESSIG. About that, I judge.

Commissioner COMMONS. What firm were you working for just before the strike?

Mr. LESSIG. Benjamin E. David.

Commissioner COMMONS. And the work on the two kinds of work was practically the same?

Mr. LESSIG. Oh, no. There is quite a big difference between one and the other.

Commissioner COMMONS. I mean the kind of work and on the machine was practically the same?

Mr. LESSIG. No, sir. Two different styles of loom. One plain loom and the other was a box, with three or four shuttles on each side, box raises up and closes down in order to let the different colors go through to make stripes.

Commissioner COMMONS. You could turn out twice the output and had to work twice as hard?

Mr. LESSIG. If you run one to-day and run two the next, you must do twice the same amount of work.

Commissioner COMMONS. It may mean the machine has to do too much work?

Mr. LESSIG. You have one running in front of you and one running in back of you and you have to watch them both. If you work with one and watch it you can't at the same time be watching another one back of you.

Commissioner COMMONS. How did the employers ever get you to the point where they forced you to run two looms where you formerly had been running one?

Mr. LESSIG. By the same methods and process Mr. Doherty is using to-day, by appealing to the hungeriness of the worker and making him believe that he is always going to continue on making that amount of money, but letting him make \$10 or \$15 a week more for a short period and after awhile when the streets are full here weave 4 yards for the same price as they are weaving two to-day. And when he stated he was paying six and a half he was paying six and a half, he had reduced the price of 10 cents down to five and a half and then put it up again to six and a half. He wants to tell the truth.

Commissioner COMMONS. You say he did that at the same time without having to put in any substantial improvements in the machinery?

Mr. LESSIG. Not materially worth considering.

Commissioner COMMONS. That is all.

Chairman WALSH. Where were you born, Mr. Lessig?

Mr. LESSIG. I was born in Philadelphia.

Chairman WALSH. How long have you lived in Paterson?

Mr. LESSIG. I came to Paterson, I believe, in the fall of 1902.

Chairman WALSH. Have you a family and children?

Mr. LESSIG. Only a wife.

Chairman WALSH. No children?

Mr. LESSIG. No, sir.

Chairman WALSH. How long was the grand jury in session, if you know, during the time the strike was in progress?

Mr. LESSIG. I believe the grand jury was in session all the time, if I am not mistaken.

Chairman WALSH. Were there any members of your organization upon the grand jury?

Mr. LESSIG. Oh, no.

Chairman WALSH. Were there any of the men who had been working in the mills, but who had gone out on strike, on the grand jury?

Mr. LESSIG. Not to my knowledge.

Chairman WALSH. Were there any members of your organization on any of the petit juries that tried those cases in any of the courts?

Mr. LESSIG. Not that I remember. I don't remember having seen any, and I was up there at those trials.

Chairman WALSH. Is there any statement that you wish to volunteer to the commission, touching upon the industrial situation in Paterson, what might or might not be causes of industrial unrest? Or do you desire to amplify or explain your testimony heretofore given in any way? If you do, you may do it now.

Mr. LESSIG. I don't think I have anything further, outside of which I stated that the cause of the strike was overwork and underpay. I am positive that if all those weavers were making \$25 a week I don't know of any silver-tongued orators that could have brought them out on strike on the 25th day of February.

Commissioner LENNON. Mr. Lessig, I have read in a number of publications, alleged to have come from people that you represent—the organization that you represent—the silk manufactures in some instances, at any rate, in and about Paterson, was made of a considerable part of other material than silk. Is that true? Is any such statement warranted?

Mr. LESSIG. I only know what from the other dyers who worked there stated, that they adulterated it with different ingredients, what they called dynamite, iron, red iron.

Commissioner LENNON. You have no knowledge of the matter yourself?

Mr. LESSIG. They themselves admitted that they used what it contained. They tried to justify it because the customers wanted it.

Commissioner LENNON. You mean the employers admitted the statement?

Mr. LESSIG. That they adulterated the silk. They got 3 pounds back when they sent a pound to be dyed.

Commissioner LENNON. What does adulteration mean?

Mr. LESSIG. Adulteration of silk simply means they send a pound of silk to the dyehouse. If it is dyed, it means they won't get more than a pound back, and you may lose; but if they send back 2 pounds or 2½ pounds or 3 pounds, it means that they have added something to make that silk heavier.

Commissioner LENNON. Does that add to the appearance so that a customer in buying would prefer that to the silk that had been dyed without any such adulteration?

Mr. LESSIG. Well, it is about the case, some one, if you go into a cotton-cloth mill, and when the cotton comes off the loom it is very fine, but after it has been sized and weighted it makes it feel quite—about twice as heavy. A pure-dye silk is very fine, but when you get it with adulteration you think you have got about three times the amount of silk, but when you hang it in the closet for about three months there is ribbon left instead of broad silk.

Commissioner O'CONNELL. Have you published any pamphlets giving the cost of your strike?

Mr. LESSIG. No, sir.

Commissioner O'CONNELL. By voluntary receipts and otherwise?

Mr. LESSIG. Yes, sir.

Commissioner O'CONNELL. And expenditures?

Mr. LESSIG. Yes, sir.

Commissioner O'CONNELL. Where the money went?

Mr. LESSIG. Not a clear itemized report, because it would have cost about \$1,200 to issue it.

Commissioner O'CONNELL. Have you got anything in printed form or manuscript form that you could turn over to this commission?

Mr. LESSIG. We have the published accountant's report.

Commissioner O'CONNELL. In what shape is that? Is that just one record filed with you?

Mr. LESSIG. One report; he had gone over everything and found everything satisfactory and correct that we had spent.

Commissioner O'CONNELL. Where is that?

Mr. LESSIG. That can be found, I believe, at the headquarters.

Commissioner O'CONNELL. In Chicago, headquarters in Chicago?

Mr. LESSIG. No, sir; here in Paterson.

Chairman WALSH. Are there any more questions?

(No response.)

Chairman WALSH. Call your next witness.

TESTIMONY OF MR. RUDOLPH KATZ.

Mr. THOMPSON. Will you please state your name, your business, and your residence?

Mr. KATZ. Rudolph Katz; Maywood, N. J., organizer of the I. W. W. of Detroit.

Mr. THOMPSON. I didn't hear you, Mr. Katz.

Mr. KATZ. You will hear me presently. My residence is at Maywood, N. J.

Mr. THOMPSON. That is the Detroit I. W. W., as you call it here?

Mr. KATZ. Yes, sir; all over the country.

Mr. THOMPSON. When was that organized?

Mr. KATZ. The organization was organized in 1905, in the city of Chicago. There was only one at that time.

Mr. THOMPSON. You have heard what Mr. Lessig said as to the division between the two factions, haven't you?

Mr. KATZ. Yes, sir.

Mr. THOMPSON. Or groups?

Mr. KATZ. Yes, sir.

Mr. THOMPSON. Is that a correct statement of that clause relating to political action?

Mr. KATZ. That is not all. The organization that I am affiliated with has to-day the same declaration of principles as the original organization did. That is, they were here not only to demand from Mr. Doherty not to have the four-loom system but they were here for the purpose of organizing the working class to get all they produce finally; that is, to wrest from the capitalistic class the possession of the machinery and the factories.

We take the stand that this can only be accomplished if the workers are organized both politically and economically; but if we repudiate political action at this stage we place ourselves in a position where we reject the civilized path of action. We are going to have the machines. We are either going to take them by force or we are going to take them when we have a majority at the ballot box. Our organization maintains that it is absolutely necessary, since we are an organization not like the American Federation of Labor, that claims to be looking out for a fair day's wage for a fair day's labor, since we want all the workers produce, we maintain we must call upon the workers to

organize politically to recognize the necessity of political action without indorsing any political party at this time.

Mr. THOMPSON. So far as the demand is good, pay the worker all he produces?

Mr. KATZ. Yes.

Mr. THOMPSON. The two branches are in common?

Mr. KATZ. Yes, sir.

Mr. THOMPSON. And they are in common in the Socialist Party?

Mr. KATZ. Well—

Mr. THOMPSON. I mean on that point?

Mr. KATZ. Well, that is to be qualified, because the Socialist Party and the American Federation of Labor and the Chicago I. W. W. may to a very great extent want that. The American Federation of Labor and the Socialist Party are the obverse and reverse of the same medal; they are trimmers and politicians. That is all they are, of course, which I have documents here to substantiate, if you call upon me.

Commissioner O'CONNELL. What are the documents?

Mr. KATZ. Yes. Any point that I make I will be glad to show documents for. Chairman WALSH. Ask him what the documents are.

Mr. KATZ. I have documents as I go along on the various points. If I make any specific statement, I have the documents to leave with the commission.

Chairman WALSH. Indicate what the documents are, and then leave them without reading.

Mr. KATZ. I do not intend to read them.

Chairman WALSH. For instance, what they are—the name of the publication and the author of the article, the portion quoted?

Mr. KATZ. You spoke here this morning and this afternoon about the Doherty strike. I have here the Strike Bulletin which was published by the strikers when first the strike took place, which was in 1910—1911, rather, beginning on November 10. That was the first Doherty strike.

Can I continue?

Chairman WALSH. Yes.

Mr. KATZ. The strikers, then, had just left the American Federation of Labor for this reason: Mr. Doherty has himself stated, after building up that new mill in Lake View, tried to introduce the four-loom system. The men then belonged to the organization which Mr. Morgan is affiliated with, the American Federation of Labor, and when the four-loom system was introduced the officials of the American Federation of Labor rather sided in with Mr. Doherty. I was told by men who worked there that Mr. Golden came here and told them that the four-loom system indicated progress. They claimed in the New England States, that were running six and eight looms. The people did not look upon it in that manner. They called upon me. I was then the local organizer at what we—local organizer of the I. W. W. here—and we called a mass meeting, and they surrendered their own books to the I. W. W., which we also have in possession, and I could let the commission have some.

Chairman WALSH. Give us a sample.

Mr. KATZ. Then they made the demand for the four-loom system to be abolished. Mr. Doherty claimed he couldn't do that because of the fierce competition in Pennsylvania, and things looked rather threatening in the city—that there would be a general walkout. I was called before the board of trade in this city; and I believe we met in this building, if it was not in this hall, and they asked me what could be done to prevent this general unrest; that we could save Paterson and have prosperity in Paterson. I pointed out that the only thing to do would be to abolish the four-loom system here, establish a uniform minimum wage scale through the city, and if the wages here were somewhat higher than the rest of the States, like Pennsylvania, the thing to do was to have the men sent from here, from the union here, to those various places and raise them up to the better standard rather than to have the Paterson workers come down to the lower standard of Allentown and other places. I pointed out to the subcommittee of the board of trade—among whom was Dr. Hamilton, a minister of the gospel—pointing out that the morals of the workers out in those low-paying towns were far below Paterson, and asked him if he agreed with such conditions, and he turned his eyes toward the sky and said he did not.

Then I pointed out that the only thing to do would be to not come to the Pennsylvania standard but rather try and raise it. Mr. Doherty did not agree with us, and a strike was declared in the Doherty mill. The men walked out and the women on November 10, 1911. The loom fixers and twistors came out about

two months afterwards and stayed out several weeks; but were working underhandedly continually to have the bulk of the people return to work. That was overcome, until finally Mr. Doherty, who understands the business so far as the capitalists are concerned, succeeded in filling the shop with strike breakers.

And here I want to call your attention to a document in this Strike Bulletin, which was published at that time, that the police officials in that little town called Clifton were entirely controlled by Mr. Doherty. There is a statement there—persons are named who are at any time willing to give testimony under oath that they were arrested for standing in front of the mill without interfering with anyone, and Mr. Doherty's automobile was furnished to bring them to jail. Then this strike was practically lost; the shop was filled. The silk workers throughout the city were indignant, because they realized that Mr. Doherty runs four looms, and the four-loom system will reach them presently. A general strike movement was started. There were two strikes. I am speaking of the strike of 1912, with which I had all to do, but not with the last strike of 1913. That strike finally came about on about the 25th of February—the broad-silk workers alone. We did not have the other branches; simply the broad-silk workers, numbering about 7,000 or 8,000.

On the 25th of February they walked out of the mills, and it was not done in a disorderly plan. We had a plan according to which the men were advised to act. We had printed price lists. I will also leave one with the commission. That was the minimum scale; each committee in each shop, after walking out, were to go to the office and leave this price list with the firm, requesting they were to pay that rate. That was for the purpose of establishing a uniform scale, because Mr. Doherty claimed that the rest of the manufacturers were paying less, and the rest of the manufacturers were claiming that each of them paid more than the other; everyone of them made the same statement Mr. Doherty made this morning. So we wanted a uniform scale of prices. The committee told the firm in each place that they were wanting an answer by Monday, and every firm would grant the demand, then the workers in that mill would return to work wherever the demands were granted, wherever the minimum price list would be accepted. There were a few mills that accepted on the following Monday. In fact one was Cohen, who was the first one to break it. Within about five weeks—yes; four weeks—I think practically all broad-silk manufacturers acceded to our demands. The only trouble that arose was about the signing or the recognition of the union. They said they would not sign the price list, because it had the seal of the organization, and that they would sign nothing with the seal of the organization thereon. The rank and file of the members insisted upon them; I advised them against it. I have both the price list here with the seal of the organization, and one without, and we agreed that they would not have to sign anything with the organization whatsoever. All we wanted them to do was to agree to pay this list. We thought their word was as good as their written word; that didn't make any difference, seal or no seal. We made the point that we are not asking a recognition of the union by the bosses, as the American Federation of Labor. Some instances they have the check-off system. We want the workers recognized—the union—and if the workers do not, it is no union at all. It is simply a thing to be held together by the boss.

Commissioner O'CONNELL. You make contracts with the boss, don't you?

Mr. KATZ. No, sir.

Commissioner O'CONNELL. Isn't that a contract?

Mr. KATZ. No, sir. This is not a contract. This is a minimum price list which is expected to be exhibited or posted up in a conspicuous place in the shop. This is not a contract binding for any length of time. This is an understanding simply that these wages are to be paid. A contract is a document that you go into with witnesses, seals, etc.

Now, Mr. Chairman, after these price lists were accepted by the manager or bosses the music began. It seems that though we had the best of them, because at that time they were rather busy, and they waited for an opportune moment to break their promise to pay this price, and they were assisted by a good many factors; in fact, by everybody except ourselves. There was the American Federation of Labor, who did its best to stab us in the back. There was Mr. Lessig's organization that did the same. They brought Haywood into the city, where there was no necessity for it. They claimed in New York before your commission that they butted into no strike, but they butted in here. I have the document here to show that. I have also the document to

show the answer we published. He said to Haywood, "If you come here from Lawrence to collect funds, we are willing to help you, but keep your hands off. We don't want none of your tactics; we don't want anything to do with you."

The bosses saw that: it was encouraging to them. Arrests were made that were not justified at all, because our organization that stands for peaceful acts, that repudiates every act of violence, I, as the spokesman of that organization at the mass meeting that we have held here in this city, told the people that we repudiated the acts of violence, that brutality will accomplish nothing; that if the people can not be gained through solidarity, that such methods as have taken place through the American Federation of Labor out West, by McNamara and Parks, would not bring any results to the working classes. In spite of all that, the police began to act, after the bosses had begun to break their words, after a series of strikes had started, they began to arrest our pickets; and we selected a committee to see the city mayor. Mr. McBride said he would speak to the chief and see that no pickets are molested when the pickets are within their rights and limits. Thereupon we called upon the mayor again, and a conference was arranged between two members of the I. W. W., myself, and the chief of police and the city council.

Chairman WALSH. Mr. Katz, when you have reached a convenient place I would like you to stop, perhaps with your next answer, a logical spot, because we have to adjourn at 4 o'clock this afternoon. When you get to a convenient and logical place we will stop.

Mr. KATZ. I would then add this, Mr. Chairman, that this conference was held. At that conference it was agreed how many pickets were allowed—two or four—and we lived strictly up to that understanding. The next day those pickets were driven away. I went to complain to the chief of police about it, and the chief of police said that could not be. He called in the sergeant, who is dead now, and the sergeant said it was so. Then the chief of police told me I should go up there and see for myself how the pickets have been. When I did come up there, no more than got there, when the police officials, who were in the bosses' office, telephoned immediately for the patrol wagon. I was brought down to the building next door and railroaded to six months in jail without any trial, practically speaking.

I want to end there, and if you will give me the opportunity I will speak to-morrow.

These are the price lists that we presented to the bosses

(Which were accordingly marked "Katz Exhibits Nos. 1 and 2"

Katz Exhibits Nos. 1 and 2, circular price lists, were submitted in printed form.)

These six documents are Strike Bulletins published by the striking weavers of the Henry Doherty Silk Co.

(Which were marked "Katz Exhibits 3 to 8," inclusive.

Katz Exhibits Nos. 3 to 8 were copies of the Strike Bulletin (published at Paterson, N. J., by striking weavers of Henry Doherty Silk Co.), dated January 13, 1911; January 27, 1911; November 25, 1911; December 2, 1911; December 9, 1911; and December 16, 1911.)

Chairman WALSH. The commission will stand adjourned until 10:30 o'clock a. m. sharp.

(Thereupon, at 4 o'clock p. m., an adjournment was taken until June 16, 1914, at 10:30 o'clock a. m.)

PATERSON, N. J., June 16, 1914—10:30 a. m.

Present: Chairman Walsh, Commissioners O'Connell, Lennon, and Commons; also W. O. Thompson, counsel.

The stenographer notes the receipt of two copies of the Constitution and By-Laws of the Silk Loom Fixers and Twisters' Benevolent and Protective Association, which are marked "Morgan Exhibits Nos. 1 and 2," respectively.

(Morgan Exhibits Nos. 1 and 2 were submitted in printed form.)

TESTIMONY OF MR. RUDOLPH KATZ—Continued.

Mr. THOMPSON. You may proceed, Mr. Katz, where you left off last night and finish your statement.

Mr. KATZ. All right. I want to start by making good the promise I made yesterday in reference to the number of membership books of those who were

at work in the Doherty mill and who were organized previously to the first strike, but because dissatisfied with the four-loom system though advised by the officials of the American Federation of Labor to accept the four-loom system as progress. They repudiated that organization and adopted a resolution, which also I have a copy of and will give the secretary, and also a number of the due books.

(Received and marked "Katz Exhibits Nos. 9 to 17," inclusive.

Katz Exhibits Nos. 9 to 17, copies of membership books, were submitted in printed form.)

Mr. KATZ (continuing). I left off yesterday with my arrest, and I set up the claim that that was prearranged by the city officials here to get me out of the way, and I was kept in jail until the strikers returned to work; then I was released.

CHAIRMAN WAUSH. What length of time?

Mr. KATZ. Three months or nearly three months; maybe two days missing. My attorneys told me at that time that they would wait for Mr. Hughes to return, who was then both judge and a Member of the House of Representatives and who, having the reputation of being a labor Congressman, would be at least fair, I was told, but he did not return, and finally some one else was appointed in his place—Judge Martin. The matter came before him for review, and he decided that I must stay in jail. I insisted that my matter should come up before Judge Minturn, who seems to be at least an honest man, and finally the matter did come up before him—that is, when the strike was practically over—and I was released as soon as my matter was brought before him. The question was asked by Mr. Thompson of one of the witnesses if there was any feeling against the police that the violence was justified. I think that was asked of Mr. Lessig, and he did not answer that question at all. There certainly was a good cause for strong feeling to exist, and I will cite an instance:

When we conducted the strike of 1912 a number of pickets were arrested—not because they were violent. It was at Arohnson & Blun's—Messrs. Arohnson & Blun. So I may point out that the question of foreigners has been brought in; and I want to state in that connection before I go any further than the number of foreigners among the manufacturers, the percentage is much larger than among the workmen. I believe that the number of foreigners among the manufacturers is about 99 per cent; among the workers it may be much less than that.

So Messrs. Arohnson & Blun, both Americans, were in the court room and were permitted to have a conference with Judge Carroll privately—not a public hearing—when those who were arrested for doing picket duty were brought up, and, without being given anything like a hearing—it was more a farce—they were sentenced to \$10 fine or 20 days in jail. Quite a number of men assembled in front of the police station here, and, since we did not want to give at no time the police officials an opportunity to club our men, I asked one of my assistants, Mr. Frank Young, of Detroit, to tell the crowd to go to headquarters and not to stay in front of the police station, which he did. He said, "Fellow workers, go to 184 Main Street." No more than he uttered these words and he was grabbed by a policeman and hustled into the court room, when court practically had been adjourned, and sentenced to three months, and he had to stay his full time. Peculiar to me that our lawyers didn't know of any way of getting him out, but he stayed there with me.

In order to show you still further the acts of the police here, Paterson has the reputation of being an anarchistic city, they tell me. Well, it begins with our city officials, from Mayor McBride down. We were to hold a mass meeting at one time, on the 1st of May, at Coles Hill, opposite the post office. We notified the chief. The chief told me I must come before the mayor. I did. The mayor was present, the chief of police, and the city counsel. They had me in a corner shaking their fists in my face. Mr. McBride is a much bigger man than I am, and there were three of them, and telling me all sorts of things; telling me that some time ago there were men who marched up Coles Hill who had red handkerchiefs on their backs. And I told him, "What has that to do with the rights of free assemblage?" "Well," the mayor said, "do you mean to tell me men will have the right to march there with red handkerchiefs in the face of law and order, and all that thing?" And I said, "Well, they did nothing against the law. You must proceed against them lawfully when they violate any law." "Law or no law, I will not allow that," said the mayor. Well, I knew we were in the right, but in order to avoid any bloodshed I advised our men not to meet there, although the meeting had been already arranged. I came to Coles Hill and told them to go to our meeting hall.

Some time after, during the strike, we were going to have a meeting in Turn Hall, and again the chief instructed the owner of that hall not to let us have the hall. I went to see the chief about it, and I says, "How is it that you would not let us have the hall?" "Well," he said, "there may be trouble," and all sorts of excuses. Finally I said, "If you don't allow that man to open that hall we will hold the meeting in front of the city hall steps, come what may." The chief said, "Why don't you go to Coles Hill?" I said, "All right; we will go to Coles Hill; that is just as good." So, with him, he sends us from Coles Hill into the city hall, and when we went to hold a meeting in front of city hall he sends us to Coles Hill.

When the first strike was won, that I mentioned here yesterday, when practically all the silk manufacturers in the broad-silk line in the city, with the exception of Mr. Henry Doherty and his son, granted the price lists that we asked—the minimum price list—we thought the time had come, and arranged a mass meeting with a parade, and we applied to the chief of police. "Well," he said, "I will have to lay that before the police commissioners." So I came before the police commissioners. No; it was not allowed. We were not allowed to parade. It happens in this city that Barnum & Bailey's circus comes every year once; they have a parade. The elephants and the rest of the menagerie, including the mules of Barnum's circus, can parade the streets of Paterson, but the workers who produce all the wealth are not permitted to do so. There are reasons why there is always a strong feeling among those who are active in the labor movement against the city officials. How can they explain that the city officials will allow the mules to parade the streets of Paterson and the workers not, unless it was due to some affinity between those two species? The feeling was very strong.

I have up to now, Mr. Chairman, just skimmed the surface. At the time that the strike started here—

Chairman WALSH. If you can make your statement of facts, I don't want to criticize you at all; but we have endeavored to hold these meetings without permitting characterizations of any kind, so that at least we shall produce no feeling. Your illustration is a very good one, and I am not criticizing any of your alleged facts or anything; but to compare mules and officials, you understand, makes for more feeling and more hatred; and we are simply trying to get along without any characterizations of any kind. If one of those officials should come in and attempt to characterize your position, I would be compelled to say the same thing.

Make your statement of facts, please.

Mr. KARZ. I have simply skimmed the surface; there is so much to say.

At the time this strike started—and we were partly successful—the workers in the silk industry in Hudson County, numbering about 10,000, applied to us. A mass meeting was called and the same demands presented to all of the mills in Hudson County, and the demands were granted within three days. We had a good deal of opposition on the one hand from the A. F. of L., and on the other from the Chicago faction, who felt that the matter was slipping out of their hands; but in spite of that we succeeded in having the united front and winning the fight.

In Plainfield, Astoria, Long Island, in several mills in New York City, in Summit, and all over north New Jersey the same demands were made, and they were granted for the time being. Of course, after a while the bosses took them back again. Not only here, but—this is very important—when the Doherty strikers were out, and when Mr. Doherty was so obstinate and said he couldn't grant the demands, and that he would not, I said this to the committee, they should go back to Mr. Doherty and tell him that, in view of the fact that Mr. Doherty claims that he is paying more than any other firm in the city, that we pledge ourselves, if he abolishes the four-loom system, that if any manufacturer pays less than he does that within three months from date we would see to it that the wages would be raised to his standard, provided that he pays more—but he did not—than the Pennsylvania people, or in any other place in the city, and within six months to raise the prices also in the State of Pennsylvania, which is the bone of contention where these broad-silk mills are, where this cheap work is said to be done.

While we make a success here I must go to Easton, Pa.; and we had a similar strike there. They worked there 59 hours per week; here we worked only 54, 55; there they worked 59—they worked on Saturday afternoon. We made a demand that the workers have a raise from 7 to 15 per cent and a reduction in the hours of labor. That was granted within one day, and the men went back to work.

2478 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

In spite of all opposition that we had to contend with from the Socialist Party, from the American Federation of Labor, from the Chicago organization, etc., then came the biggest strike of all, which was the strike in Passaic.

I have some documents here that I will leave with the commission, Mr. Chairman, showing the wages there and some photographs of the existing conditions. There is a mill in Passaic there—the Botany mill——

Chairman WALSH. Will you please just briefly describe those documents so that the stenographer can take them?

Mr. KATZ. Yes, sir. It is a poster. I will have it out in a minute.

Chairman WALSH. If they are too voluminous, you can give the identification mark that is on the package; but I would rather have them specified.

Mr. KATZ. Wages paid and the hours of work.

(Document was marked "Katz Exhibit No. 18, of June 16, 1914.")

Katz Exhibit No. 18, poster, was submitted in printed form.)

Mr. KATZ. The Botany mill, in Passaic—there is no place in the United States of America or the Chinese Empire where the wages are lower in comparison with the amount of work produced.

Chairman WALSH. Are the wages shown on that document?

Mr. KATZ. Yes, sir; and the hours of labor. And it has been impossible up to that time to ever arouse the people—mostly women—to action, to have them make a demand for higher wages. The Botany mills are the wealthiest concern in these parts.

Finally they did come out—I can not say how many, but we were practically overwhelmed with applications for membership, and the strike was conducted in an exemplary way; there was no interference, and the police there did not bother so much until Haywood appeared on the scene.

Chairman WALSH. Until who appeared?

Mr. KATZ. Until Haywood appeared and buffed in on us.

Commissioner COMMONS. What year was this, please?

Mr. KATZ. 1912.

Chairman WALSH. Generally speaking, was there violence in that strike?

Mr. KATZ. Not in our strike; no, sir.

Chairman WALSH. Any persons hurt on either side?

Mr. KATZ. There was not a black eye made. The only fight in Paterson was where two policemen got into an argument.

Chairman WALSH. I was referring really to this other place.

Mr. KATZ. Yes, sir. After Haywood appeared on the scene—and here I also have a document in that connection; if you will permit me, Mr. Chairman, I will make a statement that may not seem in place, yet it is very important.

At that time it was closely before the election of the Senator from this State, Mr. Smith, of Newark; he saw an opportunity to score one against a Wilson candidate, and he was trying to engineer matters in such a way that Gov. Wilson, the present President, should be compelled to call out the militia, and the Newark Star, its reporter, came into the town of Passaic, and although we had the matter in full control, they gave the other side such prominence that it looked as though we were divided, where practically we were not divided at all. Here is a picture taken out of the Newark Star, reprinted in our paper, where a group of those leaders are standing, and alongside of Haywood stands one who was admittedly a member of a detective agency, of the O'Brien Detective Agency, of Newark, a fellow by the name of Frank Domo. There were deputies brought in and some heads were broken in Garfield.

(A document was received and marked "Exhibit Katz No. 19, June 16, 1914.")

Katz Exhibit No. 19 is a copy of the Daily People, dated New York, April 9, 1912.)

Mr. KATZ. The people had no experience with organizations. When they saw the newspapers and all those who were opposed to us coming out, making the statement that there were two factions, and that they were the original I. W. W. and that they were the right I. W. W., and all that sort of thing, naturally the workers were discouraged; they were told to go back to work and they would call another strike where different methods were used, and the strike was lost there.

I have another document that I want to submit in this connection. There is the paper called the Passaic Issue—this is published April, 1912. This was at the time we were out on strike. Here is an article, "History of the strike," where they stated that 40,000 textile workers in Passaic, West Hoboken, etc., are out on strike, and admitted that they were led by our organization, because this was printed before Haywood appeared, but they have it headed all over

the paper, "Haywood puts Passaic on the map." When we approached them on that score they said they thought he was the stronger man, and all that sort of thing, although they had promised to help us, and, in fact, had an appeal in this paper for financial assistance for the strike.

Am I permitted to read that? It is short.

Chairman WALSH. If it is very short; but our rule is that documentary evidence should simply be identified.

Mr. KATZ. All right. They never turned a cent over to us, and when they approached the editor—there is a copy of the paper. He said they collected nothing. Shows it was not put in in good faith, and that they worked hand in hand with our enemies.

(Document marked "Katz Exhibit No. 20," dated June 16, 1914.

Katz Exhibit No. 20 is a copy of The Issue, dated Passaic, N. J., April, 1912.)

There is the document that I promised yesterday, or I think this morning. There is the resolution that was adopted at a meeting of the weavers of the Henry Doherty Silk Co. held at Institute Hall, 90 Market Street, November 6, 1911. They repudiated the American Federation of Labor and went out on a strike about the four loom.

(The paper referred to was marked "Exhibit No. 22, Witness Katz, June 16, 1914.")

Chairman WALSH. Have you a copy of the demand you made on the first Doherty strike?

Mr. KATZ. Well, the price list which I have submitted was practically the thing.

Now, I presume you would want to know—if you wish, I could also submit some evidence—these are letters written and signed by Woodrow Wilson, then governor of the State, in reference to the imprisonment of our men, and that he would investigate the matter.

(The papers here introduced were marked "Exhibit No. 23, Witness Katz, June 16," and are as follows:)

KATZ EXHIBIT NO. 23.

STATE OF NEW JERSEY,
Executive Department, June 9, 1912.

MY DEAR SIR: Allow me to acknowledge receipt of your letter of June 5 with its very important inclosure, namely, the resolutions adopted on Monday, June 3, at a mass meeting held at Turn Hall under the auspices of Local Union No. 1, Industrial Workers of the World, and to say that I shall take pleasure in investigating the circumstances set forth in the communication.

Very truly, yours,

WOODROW WILSON.

MR. ROBERT McLURE,
Paterson, N. J.

TRENTON, N. J., *July 16, 1912.*

MY DEAR SIR: Allow me to acknowledge receipt of your letter of yesterday and to say that it will give me pleasure to see the committee of your party who wish to consult me about the action of the authorities of the city of Paterson, and I would be glad for them to call on me at my office here in Trenton on Tuesday next, the 23d, early in the afternoon.

Cordially and sincerely, yours,

WOODROW WILSON.

MR. PAUL AUGUSTIN, *Secretary,*
New York City.

MR. KATZ. Now, here is also a document, Mr. Chairman, in reference to the four-loom system that has been spoken of and a statement has been made by the manufacturers in regard to Pennsylvania prices paid, that we attempted to rectify that. We had a strike in the State of Pennsylvania at Lancaster and there are the official demands which I presume will be of interest to you.

(The paper here produced by the witness was marked "Exhibit 24, Witness Katz, June 16, 1914.")

Katz Exhibit No. 24 is a printed circular dated Lancaster, Pa., November 5, 1907, entitled "A Plain Statement of Facts and Conditions," relative to the strike of the silk workers in Stehli & Co.'s silk mill.

They have the four-loom system there; and while I am speaking about that I would like to say that the statement made by Mr. Doherty when he was asked here yesterday whether it was easy to operate four looms or not—now, I am not a weaver; I am a cigar maker; but I have come in contact with all these men, and I interview them—all of them—especially over in Lancaster, because the four-loom system was in effect over there. I was told by the girls who operated the four looms that their health was impaired because of the operation of the four looms. That they had spent a good deal of money for drugs, medicine, and doctors in order to keep up; and that any person who operates the four looms for any length of time, that his health would be ruined. There is also a document which I have in my possession which I am going to submit. I may not present it as it should be in a chronological order, but this will do, I guess—and that is in reference to the position of the city officials of Paterson.

(The document here produced was marked "Exhibit No. 25, Witness Katz, June 16, 1914.")

Katz Exhibit No. 25, circular entitled "A Warning," issued by order of the Paterson Industrial Council and Silk Workers' Industrial Union, Local No. 152, I. W. W., was submitted in printed form.)

Something has been said relative to the two organizations. When the two organizations parted in convention in Chicago in 1907 we, in this city, stood with the organization that was originally formed, at our headquarters at 184 Mann Street, had there about 500 chairs, several desks, and other things. One night—on the 22d of December, 1908—the furniture and everything in that hall was removed. I came there the next morning and there was nothing left in the hall but the whitewash on the walls. I inquired and found, by men who were witnesses, who the men were that took this stuff. They were the fellows belonging to the other organization, who had no connection with us at all, who were expelled sometime previous, and it was a theft pure and simple. I went to the district attorney, and he told me that it was a civil case. We then went into the civil courts, and I found that we got the same deal there. The judge, Judge Lewis, in the municipal court, decided in our favor, but he took about 12 months to decide, so that the furniture that had been stored in a storage house—the Fidelity storage house—the rent for the furniture amounted to really what the whole thing was worth. And there is a document which was published by the organization at that time signed by myself and Mr. William Glanz, who is now in the Socialist Party, relative to that matter.

(The paper here introduced was marked "Exhibit No. 26, Witness Katz, June 16, 1914.")

(The document referred to was submitted in printed form.)

I have documents here also, our constitution, including the preliminary organization, and there is our original constitution of the I. W. W., adopted in Chicago in 1905.

(The pamphlet here introduced was marked "Exhibit No. 27, Witness Katz, June 16, 1914.")

Katz Exhibit No. 27, "Constitution and By-Laws of the Industrial Workers of the World," adopted at Chicago, 1905, was submitted in printed form.)

You will find a preamble and declaration of principles which are identically the same, and now this document is the manifesto which called the organization into being and which also stands by the same principles.

(The paper last offered in evidence was marked "Exhibit No. 28, Witness Katz, June 16, 1914.")

Katz Exhibit No. 28, circular "Manifesto—to the Workers of the World," issued by conference of industrial unionists at Chicago, January 2, 3, and 4, 1905, was submitted in printed form.)

I come now to the lost strike, which took place here in 1913, but before I do that I want to place in your hands also, a financial statement of all the receipts and expenditures of the strike conducted by us in 1912, if you care to have that.

(The paper here introduced was marked "Exhibit No. 29, Witness Katz, June 16, 1914.")

Chairman WALSH. Now, have you a copy of the demand made in writing by the shop committee in these various shops in the strike of 1913?

Mr. KATZ. No, sir.

Chairman WALSH. Have you any publication there which purports to contain those demands?

Mr. KATZ. No, sir.

Chairman WALSH. They are not in the manifesto?

Mr. KATZ. No, sir; the manifesto is the one that was used in calling the I. W. W. into being. I want to state that with that strike I had no connection whatsoever. Now, I have here a document which is a statement by our organization to the public at large when the second strike started. Now, if you want me to I will read it; if not I will submit it with the rest of your documents.

Chairman WALSH. Just submit it.

(The paper was marked "Exhibit No. 30, Witness Katz, June 16, 1914."

The document referred to was submitted in printed form.)

Mr. KATZ. That shows our position, and that we did not antagonize the workers out on strike, and instructed all those who still remained members in our organization to remain out and to be the last ones to go to work. We wanted to demonstrate that above all we were concerned about the welfare of the working class regardless of any split that may exist in our ranks. And we collected a sum of money and paid to our strikers, as much as we could, \$2 or \$3 a week. We didn't have the money to pay more, but those who were the faithful ones that remained with our organization. We did not take the position as the other side did; that is, to butt in or criticize or in any way interfere. When we were conducting our strike they said our methods were not any good, that stronger methods must be used. Whereas we maintain that the best methods are to appeal to the workers' solidarity; that nothing could be gained by direct action or sabotage or violence or anything of that sort.

So this is all that I want to say, unless you have some questions to ask me.

Commissioner LENNON. I have a question or two.

Chairman WALSH. Commissioner Lennon would like to ask you some questions, Mr. Katz.

Commissioner LENNON. You spoke at one point about the operation of the four looms and its detrimental effects upon the workers. In the philosophy of your organization do you oppose the introduction into industry of improved machinery?

Mr. KATZ. No, sir.

Commissioner LENNON. Just explain your position.

Mr. KATZ. In contradistinction to the American Federation of Labor, Mr. Lennon, to which you belong, we do not oppose the introduction of improved machinery. I am a cigar maker. In the constitution of the Cigar Makers' International Union there is a clause that cigars manufactured in a place where machinery is employed can not bear the union label. That, of course, is a reactionary position. But, as you heard testified here yesterday, the improvement upon these looms exists only in the mind of Mr. Doherty. There has been practically no improvement made upon the loom. You must take each case for itself. If a machine is invented that actually makes it possible for an individual to operate two machines where he formerly operated only one, why, we could not step in the path of progress; but where there has been practically no improvement at all, or only such slight improvement as is the case in the instance before us, why, it is not a question to say that on general principles we would be opposed to the improved machinery. On general principles we are in favor of improved machinery; but there is no improved machinery here, and, moreover, four looms, improved or not improved, is inhuman.

Commissioner LENNON. I want to say, for your information, though not pertinent perhaps to the record, that I do not belong to any school that is opposed to the introduction of improved machinery.

Mr. KATZ. Well, the American Federation of Labor does.

Commissioner LENNON. In your testimony you spoke of the interference of the city officials and the police with the strike—more with the strikers than, you said, directly with the strike, but with the strikers.

Mr. KATZ. Yes.

Commissioner LENNON. What would you propose as a remedy for that situation?

Mr. KATZ. What would I propose?

Commissioner LENNON. Yes.

Mr. KATZ. My remedy for that would be very radical. My remedy would be to suspend the political state of capital and establish a socialistic republic—the only remedy.

Commissioner LENNON. Then, you believe in the Socialist philosophy?

Mr. KATZ. No, sir.

Chairman WALSH. They are not in the manifesto?

Mr. KATZ. No, sir; the manifesto is the one that was used in calling the I. W. W. into being. I want to state that with that strike I had no connection whatsoever. Now, I have here a document which is a statement by our organization to the public at large when the second strike started. Now, if you want me to I will read it; if not I will submit it with the rest of your documents.

Chairman WALSH. Just submit it.

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did not argue, they hit each other's noses. Civilized people don't do that. And from that flows this scripture of sabotage and direct action, so-called. There is no direct action about it; it is the most indirect action imaginable.

Commissioner COMMONS Then your position is political rather than anarchistic?

Mr. KATZ. Why, most decidedly.

Commissioner COMMONS. Well, then, how do you differ from the political Socialists?

Mr. KATZ. Why, in this wise: I have made the statement here that the American Federation of Labor and the Socialist Party are the obverse and the inverse of the same matters; but the Chicago I. W. W. is the American Federation of Labor painted red. They are both "pure and simple"—this phrase, Mr. Commons, it originated with Mr. Gompers, at a convention where I was present. Mr. Gompers declared, "We are trade-unionists pure and simple; that is, we have nothing to do with political movements."

On the other hand, these political Socialists again declare that they are for the political movement "pure and simple," as your own Mr. Berger, of your own State—I believe you come from Wisconsin—stands for. So that while one stands on the left leg, the other stands on the right leg; but they both stand on one leg, and in that way resemble each other very much; whereas our organization recognizes the necessity of political action for the purpose of enabling this movement not to be reduced to a conspiracy, so that we can preach the revolution in the open, on the street corner, without having to deny anything. I come here and I have nothing to deny, nothing to hedge about. We don't stand on a banana peel. We know where we stand, and on what we stand. We stand upon our own ground, and we can face any court of inquiry.

Our meetings are open meetings; anyone can come in. If they send any detectives to our meeting, they will find they have nothing to do there. So that while it may seem, for instance, that the American Federation of Labor is opposing the Socialist Party, that was only a comedy that you had in New York between Mr. Hillquit and Mr. Gompers. Why, they are Siamese twins. They are one and the same thing. The fact is that we are the only organization, small as we are numerically, that takes this stand: That we must have the political movement for the purpose of destroying the political power of the capitalist class. But getting the political power, we can not build anything political; whatever we are to build, we must build on the industrial field.

And to build, the I. W. W., or Industrial Workers of the World, as we understand the situation, the policy is to lay in this capitalist society the foundation for the future republic of labor, and to organize the workers in various industries, and control and to drill them for the purpose of producing wealth, so that, in contradistinction to the Chicago I. W. W., who preach the general strike, we are not in favor of the general strike, because the general strike is not a revolutionary measure.

Where people go out on strike they turn the keys of the factory over to men like Mr. Doherty. What we advocate is a general lockout. When we have the workers organized politically and economically, we will not have a general strike; we will have a general lockout, and the bosses will be locked out, and we will stay in the mills and keep the mills.

Commissioner COMMONS. Do you say that Mr. Haywood came here in 1912 at the Passaic strike?

Mr. KATZ. Yes, sir.

Commissioner COMMONS. What is the justification or the ground for your statement that violence began after his coming?

Mr. KATZ. As matter of fact.

Commissioner COMMONS. Did he have anything to do with it, directing it?

Mr. KATZ. Well, when a man uses that language that these people used, it naturally gives these people a handle. If the police of Paterson who were really responsible for the big strike here, no one else, had acted sensibly and given the people the rights that they were entitled to, not acted in the manner as they did, things would have turned out differently; perhaps better for the workers.

Commissioner COMMONS. I believe you stated that you were arrested. Was that before Mr. Haywood was here; was it before he came, or was it after he came?

Mr. KATZ. Mr. Haywood came here on March 7. I have the bills here, also. I can show some of them.

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tify as to what I did. The recorder did not allow it. It was not a trial. It was a farce. And the recorder sentenced me to six months in jail.

And there was another lawyer present who had sometimes acted as acting recorder. He sat behind the recorder. I made the statement to the judge that I went up there by the advice of the chief of police, and I heard this gentleman remark—his name is Benjamin Stern—I want to be perfectly aboveboard with everyone—he said, "Why, suppose the police chief would have told him to jump off the dock, would he do that?" That is the Paterson justice.

Commissioner COMMONS. Did you do anything to encourage the pickets when you went up there that morning?

Mr. KATZ. I did not see the pickets at all; they were afraid to come near, it seems, to return. I walked up by myself, all alone.

Commissioner COMMONS. When you were arrested, you were all alone?

Mr. KATZ. When I was arrested, I shook hands with Francis.

Commissioner COMMONS. That is the only man you saw?

Mr. KATZ. Yes.

Commissioner COMMONS. You were not encouraging any of the pickets at the time?

Mr. KATZ. No; none whatsoever. I would have; if I had seen them I should have done that, but I had no opportunity; I did not see them.

Commissioner O'CONNELL. What is the membership of your faction of the I. W. W.?

Mr. KATZ. At the last convention the general secretary reported 11,000.

Commissioner O'CONNELL. How long has it been operating as a separate faction?

Mr. KATZ. Since the fourth convention of the I. W. W., in 1908; took place on the 17th of September, 1908.

Commissioner O'CONNELL. That is six years ago?

Mr. KATZ. Yes, sir.

Commissioner O'CONNELL. The idea as represented by your faction of the I. W. W. is the idea as held out for some years by De Leon in connection with the organization that was replaced by the—

Mr. KATZ (interrupting). I must answer that De Leon—that would not be the proper way to answer that question. It was not De Leon—

Commissioner O'CONNELL (interrupting). Of the Labor Alliance, so-called, at that time, of which he was the father and advocate?

Mr. KATZ. Yes.

Commissioner O'CONNELL. And the paper was published in the interests of the people at that time?

Mr. KATZ. Yes. The situation is this: I submitted here a manifesto which called this organization into being.

Commissioner O'CONNELL. I am not questioning about that.

Mr. KATZ. Our so-called faction is that faction.

Commissioner O'CONNELL. When that manifesto was drawn up, was not Mr. De Leon, Mr. Debs, and Mr. Haywood, and others at Chicago, party to drawing that up?

Mr. KATZ. Not Mr. De Leon personally, but De Leon was in accord with it.

Commissioner O'CONNELL. They were all there present, and didn't they draw up that arrangement together?

Mr. KATZ. Yes.

Commissioner O'CONNELL. These men that now you say are not what they appeared to be in representing the different parties?

Mr. KATZ. Exactly.

Commissioner O'CONNELL. Does your organization publish an annual statement of its income and expenses?

Mr. KATZ. Yes, sir.

Commissioner O'CONNELL. Can you furnish this committee with a copy of your annual report?

Mr. KATZ. Not the receipts of the strike.

Commissioner O'CONNELL. That is the local strike?

Mr. KATZ. Yes.

Commissioner O'CONNELL. I am talking about your international union?

Mr. KATZ. Yes; we publish it in the Industrial Union News, published at Detroit.

Commissioner O'CONNELL. Those are published monthly?

Mr. KATZ. Yes.

Commissioner O'CONNELL. Showing the monthly receipts of your international organization?

Mr. KATZ. No; the receipts are published every three months, but published in the paper which is a monthly paper.

Commissioner O'CONNELL. Will you see that the last quarterly report is furnished to this commission?

Mr. KATZ. Surely.

Chairman WALSH. Mr. Katz, what is the wage of the average weaver in the silk industry in Paterson of reasonable skill and ability, comparatively?

Mr. KATZ. You mean in the broad silk industry or the ribbon?

Chairman WALSH. The broad silk industry.

Mr. KATZ. Not more than \$8 under the most favorable conditions, taking in the time they work and the time they don't work, of course——

Chairman WALSH. For a year, I mean.

Mr. KATZ. About \$800.

Chairman WALSH. About \$800.

Mr. KATZ. Yes.

Chairman WALSH. Is the Doherty mill, about which testimony has been given here, above, below, or on the average with other mills with respect to wages?

Mr. KATZ. The nominal wage may be above; the relative wage is smaller.

Chairman WALSH. When you say the relative wage, do you mean the wage for all the year around?

Mr. KATZ. I mean the wage in comparison to the amount of silk turned out.

Chairman WALSH. Then, as a matter of fact, leaving the amount of production out of the question, do I understand you to say that the wages in the Doherty mill are far above the average?

Mr. KATZ. Not far above the average.

Chairman WALSH. Well, are they above the average?

Mr. KATZ. Well, if a man or a woman works at the four loom they naturally knock out a few more cents.

Chairman WALSH. I am trying to leave the philosophy out. I am trying to get down, if I can, to the actual amount collected by the workers. Is it more in the Doherty mill than it is in the other mills?

Mr. KATZ. Well, I don't believe that it is much more. It may be a trifle more nominally, but, as I said, they produce twice as much.

Chairman WALSH. Then, in establishing a ground or justification or basis for the wage under the present system of industry, you say that is not fair. I understand that.

Mr. KATZ. Yes.

Chairman WALSH. But I am trying to get at the concrete amounts. Is it a fact that the all-the-year-around wage for a reasonably skillful worker in the Doherty mill, with the equipment they have there in turning out the amount they do turn out, is something over \$15 a week?

Mr. KATZ. Yes.

Chairman WALSH. That is true?

Mr. KATZ. Yes.

Chairman WALSH. Has any effort, or are you aware of any effort having been made by any employer to submit to publicity their capitalization of the plant, the cost of their product, including everything, with a suggestion that they should take a percentage and divide the balance among the workers under an agreement made with the workers?

Mr. KATZ. Well, there were rumors as to that afloat.

Chairman WALSH. I am asking do you know of any proposition of that sort?

Mr. KATZ. No; I do not.

Chairman WALSH. None had ever been submitted to you of that sort?

Mr. KATZ. Not to me; no, sir.

Chairman WALSH. Had there been submitted to you—I ask this in a hypothetical form——

Mr. KATZ. Yes.

Chairman WALSH. Had there been submitted to you such a proposition with the added offer that the employer, it being a large mill, should accept 5 per cent as the basis of the profits based upon actual cost and real value of the property invested, or the property used and the investment, would that have been acceptable?

Mr. KATZ. No; that would have been rejected.

Chairman WALSH. It would have been rejected?

Mr. KATZ. Yes.

Chairman WALSH. Now, am I correct in my information that the census of 1910 shows a population of 125,000 in the city of Paterson?

Mr. KATZ. Yes, sir.

Chairman WALSH. Approximately?

Mr. KATZ. Yes, sir.

Commissioner WALSH. How many adult males are there engaged in the silk industry, would you say, in Paterson, or were there in 1910, we will say?

Mr. KATZ. I would say between twenty and twenty-three or twenty-four thousand.

Chairman WALSH. And how many of those adult males are citizens in the full sense of the term, would you say? What proportion of them?

Mr. KATZ. That would be purely guesswork on my part, but I would judge, that is, my observation, certainly about two-thirds.

Chairman WALSH. Two-thirds?

Mr. KATZ. Or nearly so.

Chairman WALSH. Were there any of the men employed in the mills on the grand juries that met during the progress of this trouble?

Mr. KATZ. I could not say positively, but so far as the names of the grand jurors that were selected, and under my observation, there was not a single one.

Chairman WALSH. Well, were you observing it closely, the investigation being made into these industrial struggles?

Mr. KATZ. I was interested very much at certain times, and I could not find anyone there that would be a real wageworker working in the mills.

Chairman WALSH. When the appeal was taken from the lower court in your case, under the laws of New Jersey, you were then entitled to the right of a trial by jury, were you not?

Mr. KATZ. I was denied that. This is Jersey.

Chairman WALSH. I do not know what the laws are.

Mr. KATZ. I was told by my attorney that this was simply a question of fact; it was not a question of law.

Chairman WALSH. Well, under the laws of New Jersey, you never reached the time when you had a right to trial by jury?

Mr. KATZ. No, sir.

Chairman WALSH. Your case was appealed from the recorder's court to what court?

Mr. KATZ. To the court of common pleas, the county court.

Chairman WALSH. And did it end there?

Mr. KATZ. No, sir.

Chairman WALSH. It was appealed, then, to what place?

Mr. KATZ. To the chief justice—not chief justice—Judge Minturn. But I know he is one of the highest courts in the State.

Chairman WALSH. In the State?

Mr. KATZ. In the State.

Chairman WALSH. Or in the county?

Mr. KATZ. In the State.

Chairman WALSH. And a written opinion was rendered in your case, was it?

Mr. KATZ. No, sir.

Chairman WALSH. No written opinion?

Mr. KATZ. No, sir; it was just simply pigeonholed or something.

Chairman WALSH. I was going to ask you—was there any addition made to the regular police force of Paterson during the time of these industrial troubles?

Mr. KATZ. Not when our strike was on.

Chairman WALSH. Was there during the strike of 1913?

Mr. KATZ. Yes; I think there was.

Chairman WALSH. From where were the recruits drawn, if you know?

Mr. KATZ. I don't know.

Chairman WALSH. You say you think there were. You have no first-hand information, I take it?

Mr. KATZ. No.

Chairman WALSH. Did the mills have any private guards or persons in their employ during the time of the trouble?

Mr. KATZ. They did; yes.

Chairman WALSH. And do you know the number in your strike, what you call your strike, the first one?

Mr. KATZ. Well, in our strike they were not in Paterson; there were in Passaic, the O'Brien—

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Chairman WALSH (interrupting). Confine it to Paterson. Were there such persons in the second strike?

Mr. KATZ. Well, there were. I could see a lot of people in the street, and I can generally tell one of the O'Brien detectives when I see him, and I saw a number of people walking the streets that looked to me like those fellows who take a job with a detective agency, and it does not require much to tell them.

Chairman WALSH. Have you any observation on the subject as to whether or not detectives were among the workers or employed in the mills at any time?

Mr. KATZ. It would be only my opinion, of course.

Chairman WALSH. You have no definite knowledge that you can give the commission on the subject?

Mr. KATZ. No, sir. Only on certain occasions I have made this positive observation—I can mention the name of the fellow. He is now a member of the city police force, I believe. If you care to hear it, his name is De Lucia. I believe he is either a detective or some other officer.

When I first came to Paterson in 1906 and became the local organizer—we only had one organization then—we were organizing the dye workers. In Weidman's dye shop, whenever we held a meeting it was held there, and the next day everyone who had attended the meeting was discharged. There was a fellow coming there who was always well dressed, and who always wanted to treat me, and I became suspicious. I spoke to our Italian fellow workers about him, and finally I asked him what he had to do with it. I thought he was a dye worker. He said no, he did not; he used to be a dye worker. He was so sore at Weidman and called him all sorts of names, and that was why he was against Weidman. Then he came to other meetings, until I became sure he was sent by the bosses. When he came to the next meeting at Turn Hall I happened to be in the chair and told him to leave. It did not take very long until I was told he had some kind of a job on the police force.

Chairman WALSH. Am I to understand from the answers that you made to Commissioner Commons's questions that you are opposed to violence toward a person and the destruction of property as a means of obtaining what you call industrial liberty?

Mr. KATZ. Absolutely.

Chairman WALSH. And in the attempted gaining of your ends in an industrial contest you would consider it both illegal and immoral to blow up a building?

Mr. KATZ. Exactly.

Chairman WALSH. Or to commit violence against a fellow man?

Mr. KATZ. Yes, sir.

Chairman WALSH. That is as broad as it can be made?

Mr. KATZ. Yes, sir.

Chairman WALSH. You heard the statement on the stand yesterday?

Mr. KATZ. Yes, sir.

Chairman WALSH. And that statement made by that gentleman may be taken by us to be the recognized view of those associated with him, so far as you have observed?

Mr. KATZ. Yes, sir.

Chairman WALSH. That is all.

Mr. KATZ. I want to say that these matters are matters practically of public record. I would not want to come into court to testify against anyone, but those are statements made by themselves.

Chairman WALSH. I would not refer to them except that the testimony was given on the stand yesterday, and I do not want to leave any doubt about our position.

Mr. KATZ. Yes, sir. Am I excused?

Chairman WALSH. That is all. You are excused. Thank you.

TESTIMONY OF MR. MOSES H. STRAUS.

Mr. THOMPSON. Will you please state your name, your address, and your business?

Mr. STRAUS. Moses H. Straus; 435 Ellison Street is my residence; and my business is Frank & Dugan's mills.

Mr. THOMPSON. What position do you occupy with that firm?

Mr. STRAUS. I am manager of Frank & Dugan.

Mr. THOMPSON. How long have you been manager?

Mr. STRAUS. Well, it is the last four or five years—since Mr. Frank has not been active.

Mr. THOMPSON. What business are they engaged in?

Mr. STRAUS. They are manufacturing silk ribbons.

Mr. THOMPSON. Are they one of the largest concerns of the kind in Paterson?

Mr. STRAUS. One of the largest; they are considered so.

Mr. THOMPSON. They have been engaged here for a number of years in that business?

Mr. STRAUS. In Paterson a little over 20 years; in that business 26 years.

Mr. THOMPSON. During the strike of last year did the workers of your plant stop?

Mr. STRAUS. We have two mills here—the Cook mill and the Dale mill. In the Cook mill, which is nothing but the German looms, and employs male weavers, I think the date was March 5, at noontime—in the morning I think there was 84 weavers out; at noontime 28 of them did not return at 1 o'clock; approximately 55 or 56 came back and did not know that the others had stayed out. The next morning the balance of the 56 stayed out, after being asked by the others or by weavers from the other mills to stay out. That covers the Cook mill.

The Dale mill; On Wednesday, March 5, at noontime, the mill was well picketed by weavers from other shops. In the shops of the Dale mill there are about 200 girls on the loom. They asked them to stay out on a general strike. The girls came in, every one of them, at 1 o'clock, and the next morning every one of them showed up, even after these—at 6 and 7 o'clock the next morning every one of them came in. Some came to me and says, "What is this going on?" I said, "Girls, they are trying to get you out." They says they are not going to get out. "We are going to stay in."

The next day at noon, Thursday, they still tried to get them out, and they still came in. The next afternoon I went to the girls and spoke to them in groups of 30 or 35, and told them what was going on, and told them I was very much pleased that none of them had heeded the request. Some of the girls said, "We are going to stick to you and work if they knock our heads off." I said, "Girls, I don't want you to go through any dangers; those girls in this shop who are sympathizing with the situation I will be glad for each and every one of them to go home and stay until it is over." I said, "I am going to have no feeling against any one of you," and out of 200 girls 5 girls said they were sympathizers and were going to stay at home. "I hope you will have no feeling against us." I said, "Girls, I have none, if you have any people in the strike"; and one said, "Yes; my brother is out on strike." I said, "Go home and come back when it is over."

The next morning every other girl showed up; but in the afternoon I told them, I said, "Girls, when I see there is any danger I will send you home; leave that to me." I says, "Your life is just as valuable to somebody at home as my own is." The next morning there was a rumor that Mr. Hayward was going to arrive in town. The depot is right opposite the mill. It was rumored there would be 4,000 or 5,000 people to meet him. I called up New York and talked to Mr. Frank, and said, "I am going to send the girls home; I am not going to endanger their lives." The afternoon of the day before there has been some stones thrown through the windows. I sent notice around through the mill for them to stay at home. They said they wanted to work; that we had treated them right; but I prevailed upon them to go home; and most of them stayed away from the organization; would have nothing to do with it and would not go near it. They could never get more than 35 or 40 girls to meet with the I. W. W. at any one time. They wanted to know when it was going to open up again, because they were anxious to go back to work.

Mr. THOMPSON. When did your girls go back to work after that?

Mr. STRAUS. On May 23 I met two of our girls in front of the City Hall. They said, "Mr. Straus, why don't you open up the mill? We are sick and tired of this, and we can not live on this hot air." I said, "If you want to come back to work—if there is only one or two girls, that would not be enough." I says to her—I don't want to mention her name—I said to her, "You go and see some of the other girls. This is Friday afternoon. The mill will be open for you Monday morning." I went around, and several other people in the mill went around, and we gathered together 43 girls who made up their minds to come in to work. Monday morning arrived and the mill was heavily picketed—possible 500 or 600 people around the mill. We kept it very quiet; none of the other manufacturers knew we were going to open up this morning. We did not work Saturday afternoon or Sunday, and forty-odd came in that morning, and the mill was heavily picketed, but they came into work and started the looms up.

Mr. THOMPSON. That was about the time of the break up of the strike?

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Mr. STRAUS. No, sir; this was on the 26th of May, long before.

Mr. THOMPSON. How long after that did the strike end?

Mr. STRAUS. About July it started to peter out. Other concerns who were hiring about the same class of help as we were, I prevailed upon them, in order to take some of the attention from our place, to start up—who were also employing female labor.

Mr. THOMPSON. Did you have any trouble after opening up again; and if so, what was it?

Mr. STRAUS. Our girls were bothered a great deal. Some of the girls who lived in the Riverside section had to change their residence and live with other girls who lived in a different neighborhood, because they could not live there. We even had men posted there at night to stop stone throwing. One girl, whose father was working in a dyehouse, had the windows broken out and his house was badly demolished. The girls were more brave than the men.

Mr. THOMPSON. I take it from what you have said that no demands were made by your employees on you either before the strike or afterwards.

Mr. STRAUS. None was made before the strike. Our girls went out on Friday, May 7, and the 14th was our pay day. When the committee came in and got their pay they handed me a piece of paper and I saw stamped on it the stamp of the I. W. W. I handed it back and said, "I'll receive no paper with the stamp of the I. W. W. on it." She handed it back to me, and I says, "Bertha, you better take it," and she shoved it to me and I tore it up and said, "I will never have anything to do with it." I don't know whether it was the same one that was handed to me; I don't know. As soon as I saw the stamp of the I. W. W. I would not receive it.

Mr. THOMPSON. Was there any change in the hours, working conditions, or wages of your employees after they came back from what they were before?

Mr. STRAUS. Only during the time of the turmoil we let the girls go home at different hours; but after July 7 we went on the 10-hour day and have been working ever since.

Mr. THOMPSON. Under the same working conditions?

Mr. STRAUS. Yes.

Mr. THOMPSON. And wages?

Mr. STRAUS. And wages. We gave them a slight increase after they came back.

Mr. THOMPSON. What was that increase?

Mr. STRAUS. We raised our weavers \$1, and the different departments all had advances.

Mr. THOMPSON. Any horizontal advances?

Mr. STRAUS. No, sir; it was not. Well, in the weavers, yes; they did get a dollar advance, but there was no promise made when they came back.

Mr. THOMPSON. And in the other departments no horizontal advance?

Mr. STRAUS. No; we raised them according to their ability in a good many cases.

Mr. THOMPSON. Have you any organizations in your plant?

Mr. STRAUS. Not in the female plant—not in the plant where we have women employed; but in our large mill, where we have men employed, there is some sort of labor organization. I don't know—they are very much divided.

Mr. THOMPSON. What is your attitude toward them?

Mr. STRAUS. The question is quite a broad one, Mr. Thompson.

Mr. THOMPSON. I mean that you may state, if you want to, what is your attitude toward the organization of your workmen?

Mr. STRAUS. I don't know whether it is or not, but if it is I. W. W. we don't care; they call it an association. What it is I don't know.

Chairman WALSH. How is that? I didn't understand you.

Mr. STRAUS. I say if it is not I. W. W.

Chairman WALSH. I thought you said if it was I. W. W. you didn't care?

Mr. STRAUS. I say if it is not affiliated with the I. W. W. I don't know what they are. I wouldn't recognize it if it was I. W. W.

Mr. THOMPSON. What is the reason for that?

Mr. STRAUS. Well, the I. W. W. I don't consider an American organization. They are un-American in their preamble and everything else. They say they are very much un-American.

Mr. THOMPSON. Do you care to state more fully your reasons?

Mr. STRAUS. Their preamble says they have nothing in common with the capitalists, and I suppose that means the people that own the mills. And they make no agreement. There is nothing behind it. If they were to make any

sort of an agreement, which they do not do, there is nothing back of it. You couldn't come back at them.

Mr. THOMPSON. Do you distinguish between these two branches of the I. W. W.?

Mr. STRAUS. Why they both look alike to me.

Mr. THOMPSON. So far as the question of violence during the strike is concerned, you have heard what Mr. Katz has said about the strike of 1912, and you know, of course, what occurred during the strike of 1913. Was there anything different in those strikes?

Mr. STRAUS. Well, as a matter of fact, the strike in 1912 was simply a broad-silk strike and the ribbons were not brought in. I was out of town at the time, out West, and when I got back the strike was about over.

Mr. THOMPSON. Well, was there any talk in the town generally?

Mr. STRAUS. No, sir; I don't think there was as much at that time as in 1913.

Mr. THOMPSON. You never heard those two strikes compared as to the manner of carrying them out?

Mr. STRAUS. Oh, you couldn't compare the broad-silk strike with this latter strike.

Mr. THOMPSON. I mean as to method?

Mr. STRAUS. I don't know much about the Katz strike. I know what the other was.

Mr. THOMPSON. Have you any organization of ribbon manufacturers here?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. That includes the manufacturers of this city and vicinity?

Mr. STRAUS. No, sir; not all of them. There are some in the city of Paterson who are not members.

Mr. THOMPSON. It is a local organization?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. About how many members have you?

Mr. STRAUS. Thirty-three or thirty-four, I think.

Mr. THOMPSON. Have you a constitution or by-laws?

Mr. STRAUS. No, sir; that is, not that I know of.

Mr. THOMPSON. Well, what, in your view, is the purpose and object of the organization?

Mr. STRAUS. Well, it is to try to get some stable arrangement amongst the manufacturers as to selling goods and different things.

Mr. THOMPSON. Selling goods and the relationship with your employees?

Mr. STRAUS. Yes, sir; as much as we possibly can.

Mr. THOMPSON. Has the association taken any definite stand in regard to any phase of the labor problem?

Mr. STRAUS. We have not; no, sir; because we did not think it was the right time to do it; that is, the last year or so.

Mr. THOMPSON. Have you any understanding amongst yourselves as to your attitude or disposition to it?

Mr. STRAUS. Oh, each one has a different view as to that situation. I will have one view and somebody else comes in with another view. We have never come together as to any single point that we could agree upon.

Mr. THOMPSON. Is there any general consensus of opinion among these manufacturers as to any phase of the labor problem?

Mr. STRAUS. Why they all feel that something should be done, but nobody has a solution that we can agree upon as yet.

Mr. THOMPSON. You are not against organization?

Mr. STRAUS. We are against such as there is in town to-day.

Mr. THOMPSON. Would that include all the unions--the A. F. of L. and the two branches of the I. W. W.?

Mr. STRAUS. I think so.

Mr. THOMPSON. You think so?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. And you know of the A. F. of L. organizations?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. And this attitude includes that organization as well?

Mr. STRAUS. Yes, sir.

Mr. THOMPSON. Well, is there any reason for that that you care to state?

Mr. STRAUS. Well, just at the present time I would rather not state it, Mr. Thompson, unless you insist upon it.

Mr. THOMPSON. What, in your opinion, is the cause of the industrial unrest in Paterson?

Mr. STRAUS. Why, a good deal is agitated, I think. There was no unrest here amongst the ribbon weavers. They did not know what they went out for.

Mr. THOMPSON. That is to say, in your opinion, there are no conditions among the workers either as to the question of hours or the question of wages or the question of working conditions, which would be apt to cause unrest?

Mr. STRAUS. Possibly in some mills there are.

Mr. THOMPSON. What are they?

Mr. STRAUS. Well, possibly there may be a question of wages in some places. I think there is a good deal of trouble comes from the fact that the silk business is passing through a change; that it is gradually becoming a business for females; that in the next 15 or 20 years the males employed in the silk industry will be nil. The change is coming very fast. For instance, as far as ribbon are concerned, the high-speed looms are mostly being run by females. The German looms are gradually changing from male to female and, as I say, in 15 or 20 years, or possibly less time, the mills will mostly be run by the female labor.

Mr. THOMPSON. Then, in your opinion, Mr. Straus, if agitators were absent you believe that things, so far as the industrial matters are concerned, with reference to the relations between employer and employee, would be pretty quiet in Paterson?

Mr. STRAUS. I think so.

Mr. THOMPSON. Have you any suggestions to make as to how conditions may be improved?

Mr. STRAUS. Well, I only hear that in some of the places they are dissatisfied with the wages, not so much in the ribbons as in the broad silks—that is in some places.

Mr. THOMPSON. Generally speaking, leaving out of the question the present organizations, have you any views in regard to whether it is wise or best for the employees to be organized, or not?

Mr. STRAUS. Well, I have been trying to work out some plan of organization but I haven't got it as yet. There are a lot of other people who have tried before me, and they have not found it.

Mr. THOMPSON. Then you are rather inclined to the opinion that possibly organizations may be necessary or wise?

Mr. STRAUS. Why, I don't see—I don't think it would be a cure-all.

Mr. THOMPSON. I understand; but even your own mind is turning somewhat in the direction of some form of organization?

Mr. STRAUS. Yes; I think it would help the situation in some cases.

Chairman WALSH. Commissioner Commons wishes to ask some questions.

Commissioner COMMONS. Is the ribbon industry materially different in the kind of labor from the broad silk? That is, for example, loom fixers, twisters and warpers are all employed in the broad silk industry?

Mr. STRAUS. Why, a warper can work in the broad silk just the same as in ribbon, excepting the beaming department is a little different, but they can readily learn.

Commissioner COMMONS. How about the loom fixers?

Mr. STRAUS. A different branch altogether. The broad silk loom fixer is organized under the Federation of Labor, but the ribbons are not, so far as we are concerned.

Commissioner COMMONS. You have never had up the organization of the loom fixers, have you, then?

Mr. STRAUS. No, sir.

Commissioner COMMONS. Never tried to organize, have they?

Mr. STRAUS. No, sir; not as I know of.

Commissioner COMMONS. Is it fully as skilled an operation as it is in the broad silk?

Mr. STRAUS. I think so; I think more so.

Commissioner COMMONS. What wages do loom fixers get with you?

Mr. STRAUS. From \$20 to \$35 a week; from \$21 to \$35.

• Commissioner COMMONS. Are they paid by the week?

Mr. STRAUS. Yes, sir.

Commissioner COMMONS. What wages do the warpers get?

Mr. STRAUS. Well, it all depends on what category; we have some learners getting \$7 or \$8, and the experienced ones getting \$13 to \$15.

Commissioner COMMONS. The warping operation then is different from what it is in the broad silk?

Mr. STRAUS. Yes, sir.

Commissioner COMMONS. Could you employ only women as warpers?

Mr. STRAUS. Yes, sir; in our place.

Commissioner COMMONS. Is that as skilled an operation as it would be in the broad silk, the warping?

Mr. STRAUS. Well, I hardly think so.

Commissioner COMMONS. In what respect would it not be?

Mr. STRAUS. Well, in the first place the warps are much lighter than they are in the broad silk; much lighter in the ribbons than in the broad silk.

Commissioner COMMONS. That is the only difference you see. Have women displaced men as warpers?

Mr. STRAUS. Yes, sir.

Commissioner COMMONS. Within how long a period?

Mr. STRAUS. Well, it has been coming along gradually.

Commissioner COMMONS. What were the men paid?

Mr. STRAUS. I never employed any; I don't know—excepting here lately I had four, and paid them \$20 and \$22.

Commissioner COMMONS. Where the women are similarly skilled, they will get \$15?

Mr. STRAUS. Yes.

Commissioner COMMONS. That is, your women begin at \$8 or \$9 and get up as high as \$15?

Mr. STRAUS. That is, as far as the learners are concerned. When we take an experienced warper in we pay \$14 or \$15. When we take a girl in, she starts as draw-side girl at \$3.50 or \$4 a week, and, then, in a few years she may be—will get up to where she will earn \$7, \$8, \$9, or \$12. It all depends on the ability. She comes in as a girl 14 years old, and we raise all our own warpers.

Commissioner COMMONS. That is all week work?

Mr. STRAUS. Yes, sir.

Commissioner COMMONS. And not piecework?

Mr. STRAUS. Not piecework.

Commissioner COMMONS. The weaver is all piecework?

Mr. STRAUS. No, sir; daywork.

Commissioner COMMONS. Daywork also?

Mr. STRAUS. Yes, sir.

Commissioner COMMONS. And you begin with the weavers, then, at what rate?

Mr. STRAUS. All depends on the girl's ability. Some start with \$7, \$8, \$9, and gradually come up to \$15. We have girls that started with us at \$6 a week that are making \$15 to-day.

Commissioner COMMONS. The highest you pay is \$15?

Mr. STRAUS. Yes, sir.

Commissioner COMMONS. And you said you had about 200 weavers?

Mr. STRAUS. Yes, sir.

Commissioner COMMONS. About what number would be getting \$15?

Mr. STRAUS. I can not tell exactly, but I think that over two-thirds of them are getting from \$13 to \$15.

Commissioner COMMONS. The larger number are getting which of those figures?

Mr. STRAUS. The larger number, \$14 to \$15. Over half are getting \$14 to \$15.

Commissioner COMMONS. Do you have any way of measuring the length of time that they stay with you—the weavers in your establishment?

Mr. STRAUS. We have had some with us a good many years. We have had some weavers that have been with us over 15 years.

Commissioner COMMONS. About how long does it take a girl, starting in at \$8, to get up to \$15?

Mr. STRAUS. Possibly two years. It all depends on her ability. We never lose a weaver, if we can keep her, for the sake of a dollar.

Commissioner COMMONS. Well, if a person did not advance as rapidly as you thought they ought to, you would let them go?

Mr. STRAUS. Yes, sir.

Commissioner COMMONS. And such a one, you would expect them to get up in about two years on that basis. What ages do you begin with the girl?

Mr. STRAUS. Weavers, we try to get them 16 and over 16. I think we have one girl in the mill who is a weaver who is less than 16, but will be 16 in a very short time.

Commissioner COMMONS. What occupations do you employ less than 16—14 to 16?

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Mr. STRAUS. The pickers and edge girls. We have 22 pickers in our mill—that is, in the larger mill—and there are three girls there under 16. We have about 8 girls in about 350 who are under 16.

Commissioner COMMONS. What are the wages of the 16?

Mr. STRAUS. All depends on the department they are in; run from \$3.50 up to \$6.50.

Commissioner COMMONS. That is all.

Chairman WALSH. That is all; thank you, Mr. Straus.

(Witness excused.)

TESTIMONY OF MR. RODNEY MILLER.

Mr. THOMPSON. Give us your name.

Mr. MILLER. Rodney Miller.

Mr. THOMPSON. What is your address and business?

Mr. MILLER. Organizing engineer; 922 Broadway, New York.

Mr. THOMPSON. Mr. Miller, were you ever employed by the National Silk Dyeing Co.?

Mr. MILLER. Yes, sir.

Mr. THOMPSON. That company has a branch in this city here?

Mr. MILLER. Yes, sir; they have a large plant at Riverside.

Mr. THOMPSON. During what time were you employed by the company?

Mr. MILLER. From February to August, 1913—during the strike.

Mr. THOMPSON. You have stated, Mr. Miller, that you are an organization engineer?

Mr. MILLER. Yes, sir.

Mr. THOMPSON. What do you mean by that? State it in detail.

Mr. MILLER. Well, an organization engineer deals with the human element and mechanical element; and the title arose with engineering development from the mechanical to include both the mechanical and the human element in organization work.

Mr. THOMPSON. In what respect do you deal with the human element in the plant?

Mr. MILLER. The human element in the plant? We study the human element and analyze it, and analyze it much in the same way as we analyze machinery, with the idea of producing harmonious relations throughout the management.

Mr. THOMPSON. Do you follow it long the same line as efficiency engineers do, or is it purely a matter of relationship?

Mr. MILLER. It is more a matter of relationship. We do not follow the lines of efficiency engineers; no.

Mr. THOMPSON. And generally do you approach the subject of relationship as an engineer? And how do you classify, and what is your method of procedure that you generally adopt?

Mr. MILLER. We go into the classifying of the relationship of individuals in the plant. We classify and analyze the individuals in the plant right straight from the top to the bottom and attempt to correlate them so they will work harmoniously and produce the best or highest and most efficient results.

Mr. THOMPSON. Well, in doing that do you take into consideration the people as groups or as individuals?

Mr. MILLER. Essentially as individuals. Our doctrine is rather the individuality of the workers. One of the principal doctrines that we are developing now is in testing and developing the mentality of the worker and establishing the value of that in contradistinction to the crushing of the brain of the worker under the present system.

Mr. THOMPSON. As far as you would test the mentality of the worker along the line, it would be along the line of efficiency and developing brain power as applied to his work?

Mr. MILLER. Yes, sir.

Mr. THOMPSON. Now, taking up the question purely of the relationships purely between employee and employer and dealing with that, how do you approach that subject?

Mr. MILLER. Basically our idea is that there is no antagonism between the employer and employee; but we believe, as we develop the worker and create a better understanding between the employer and the employee, that both sides see the point more directly where their interests are the same. We believe that most industrial troubles—our investigations of troubles that occur throughout this country seem to bring us more clearly to the fact that there

has been a misunderstanding between the two factions rather than from any absolute difference that may exist.

Mr. THOMPSON. Well, taking the question again, how do you approach it now with relation to the relationship of the employer and employee, including that of wages, of working conditions, and of hours? They are supposed to be the three main groups. Now, do you approach it from those matters or from the standpoint of personal feelings? How do you handle the situation in regard to the three main issues?

Mr. MILLER. Well, in regard to the three main issues we tend to develop the individual ability of the individual worker. That is our tendency. And the reward of that individual worker should be in proportion to his individuality.

Mr. THOMPSON. Of course, the reward that the worker shall get for his additional ability must come from a point of bargaining between employer and employee.

Mr. MILLER. Between employer and employee; yes.

Mr. THOMPSON. But in approaching that subject you approach it from the standpoint of the individual and the employer?

Mr. MILLER. Yes.

Mr. THOMPSON. Rather than from a group of employees?

Mr. MILLER. Yes.

Mr. THOMPSON. Then, in the question of dealings between the two parties the subject of collective bargaining as such is not used by you?

Mr. MILLER. No. No; we do not use collective bargaining. We are not opposed to collective bargaining, because—

Mr. THOMPSON (interrupting). But you do not advocate it?

Mr. MILLER. We are not opposed to collective bargaining, but we believe we can go over that. We have no objection to minimum wage, the result of collective bargaining, but if there is a minimum wage existing our idea is to go over the top of that and bring certain men of certain special qualities up above that, if they show the disposition.

Mr. THOMPSON. If there were established a minimum wage as such, it would be done by the action of the employer and the employee through collective bargaining.

Mr. MILLER. Well, our entire dealings, you understand, are with the employee.

Mr. THOMPSON. As an individual, Mr. Miller?

Mr. MILLER. As an individual; yes.

Mr. THOMPSON. And all relationships which exist between the employer and the employee are resolved into the individual proposition?

Mr. MILLER. Yes.

Mr. THOMPSON. How long have you been engaged in that business?

Mr. MILLER. Why, in the organization business, about 15 years; I was a constructing engineer before that, and a railroad engineer.

Mr. THOMPSON. Have you been in the business for yourself alone, or associated with other people?

Mr. MILLER. Why, principally for myself. I was originally organizing engineer for the Trust Co. of America, the American Ice Co., and the International Smokeless Powder Co., and more recently have been particularly interested in the labor controversies as the diseased condition of industrial relations, and our attempt is to analyze it from that point, under the same idea that—

Mr. THOMPSON (interrupting). Have you been associated with any efficiency engineers, or others?

Mr. MILLER. Indirectly, yes; but not directly. I have been associated with Mr. Gantt, of New York.

Mr. THOMPSON. What were your relations with the silk manufacturers of Paterson during the strike?

Mr. MILLER. I was in Paterson more as an observer than anything else, to study conditions and to study the causes and in probably—

Mr. THOMPSON (interrupting). Did you advise with the manufacturers?

Mr. MILLER. Advised with them; yes, sir—with the national company, not with the manufacturers.

Mr. THOMPSON. Well, in your opinion what were the main causes and events which led to the strike, and what part did you personally take in it?

Mr. MILLER. Why, the causes which led to this strike, I think—you might put it in a number of different ways. In this city the basic industrial conditions are pretty healthy. Among the old-line silk manufacturers, compared with what they are in New England and some of the textile industries, they are very superior. Now, in all communities where they are absorbing an extensive foreign

element it requires a special amount of study to assimilate that element, and in Paterson they did not do that. The result was that there was a constant series of misunderstandings in some of the plants. I gathered this from interviews with the workers I had. I have had several hundred of them during the strike, and I talked with them and not from the manufacturers, because it is from the workers' side that I generally look for information in a case of that kind. It seemed that the tendency is the result of the inflow of nationalities. For instance, there is a tendency to classify them by nationalities, as good Italians and bad Italians and worthless Italians and high-class Italians are all classified in the same bunch.

The result is that when anything happens they are all classified down rather than up. That is the point. The question of assimilation here has not been given the study that it required. The average manufacturer will employ the highest class of brains in the mechanical department and the highest class of analytical brains in the selling department and the production department; but when they start in on the government of the human element they will put in any old person who happens to be handy, and then will be surprised when the blowup comes, and wonder what the trouble was about, and will be blaming it on somebody else.

Our whole contention with the manufacturers, and our whole endeavor, is to bring the same class of pure analytic mind into the government of the human element that they have employed and that we have employed in this development of the mechanical and financial end of the industry. That is our individual fight in the matter.

Mr. THOMPSON. And that, in your opinion, was neglected in this city?

Mr. MILLER. Oh, yes; that is neglected in every city. I say that is neglected in every city. You can see what the result of it is in the Tennessee Coal & Iron, and the present chamber of commerce in Detroit, and that sort of thing. They are picking it up and it is being gradually introduced. In this city it was neglected.

Mr. THOMPSON. And what you want to state is that, so far as the strike at Paterson is concerned, it was caused by that lack of study?

Mr. MILLER. Yes, sir; that lack of study. There has been a vast inflow of foreign population in here that has not been understood by the manufacturer and which has not been properly analyzed by the manufacturers, and the consequence is that in this city, as in dozens of other cities in the country, it has given rise to misunderstandings and labor eruptions that were certainly unnecessary.

Mr. THOMPSON. Did you make any study of the action of the city authorities during the strike? And also of the leaders of the strike?

Mr. MILLER. Why, not very extensively—no—but I made some study of the authorities.

Mr. THOMPSON. What did the result of that study show?

Mr. MILLER. Well, I will say that that question is rather—that is a question that is rather difficult to answer in this way. I can not say that I blame the city authorities one way or the other, and I will say why. Now, for instance, I was asked some few years ago—I will explain that in this way; I was asked two years ago by Stone & Webster Corporation to go to Florida. They were having some trouble and a strike down there, and they wanted me to go down and see what the trouble was—what caused it. That was a very high-class corporation, and they were surprised that they had trouble; and when I got down there the police and the authorities were essentially on the side of the strikers. Well, the result was that at the last minute the police and the mayor were the most absolute in asking the State for soldiers, because the strikers completely got away from the situation. Now, looking at that side and at the different sides there, I don't want to emphasize one way or the other; but in a battle of that kind, personally, I don't—I think it is one of fact; it is a question of who is right and who is wrong.

Mr. THOMPSON. Are you of the opinion as to whether you could give the same class of study to a thing of that kind, as between the relations of employer and employee, that are given to the other departments of the industrial activity?

Mr. MILLER. You could, unquestionably. But I have not devoted the same study to that.

Mr. THOMPSON. Then you have nothing to state with reference either to the leaders of the strike or as to the action of the authorities?

Mr. MILLER. Well, as regards to the I. W. W., I will say that I do not regard them seriously one way or the other. I think the I. W. W. is simply the result

of an industrial condition, and you remove that industrial condition and the I. W. W. don't exist.

Mr. THOMPSON. What is the industrial condition at Paterson which caused the I. W. W. to come here and create such a trouble?

Mr. MILLER. This constant misunderstanding between certain mill owners and the foreign population. I believe there were certain—I don't know from first hand, because I was not in those factories at the time—there wasn't any factory that I was connected with—it was very detrimental—

Mr. THOMPSON (interrupting). In other words, that the lack of this study, as you have already stated, caused this condition, which was taken advantage of by the I. W. W.?

Mr. MILLER. Yes, sir. The I. W. W. is very prominent where industrial conditions are bad.

Mr. THOMPSON. And rather a symptom of bad condition?

Mr. MILLER. Yes; we regard it as a symptom of a disease.

Mr. THOMPSON. In your opinion what could the manufacturers have done that they failed to do which would have obviated that strike?

Mr. MILLER. I should say that the manufacturers have got to bring into their organization a very much different type of mind and a very much different type of study; to analyze the conditions of the importation or the inflow of the foreign element.

Wherever a foreign element commences to come in in very large numbers, the only way I believe we can avoid industrial troubles is to make a close analysis of that element, so that it is possible to distinguish, for instance, between the high-class Italian and the Italian that is a brigand; so that it is possible to distinguish between a good worker or a man that will make a good citizen and a man that is criminally inclined.

Chairman WALSH. How is that? You say the trouble is to make the distinction between what you call high-class Italians and an Italian who is criminally inclined?

Mr. MILLER. Yes; well, I simply used that as an illustration.

Chairman WALSH. Yes; but I want to get at the actual way you work it. I don't want to interrupt you, but—

Mr. THOMPSON. Is that your complete statement of the situation at that point?

Mr. MILLER. Yes, sir.

Mr. THOMPSON. Anything further you want to state?

Mr. MILLER. Why, in regard to the inflow of the Jewish element, of a certain branch of the Jewish element that is apparently coming in here from New York now. There is a tendency among a certain branch of the Jewish element in manufacturing to exploit laborers unnecessarily. We know that that is not extravagance; it is totally unnecessary.

Chairman WALSH. You say there is a tendency on the part of Jewish manufacturers?

Mr. MILLER. Not all manufacturers.

Chairman WALSH. Of certain Jewish manufacturers?

Mr. MILLER. Yes, sir.

Chairman WALSH. To do what?

Mr. MILLER. To exploit labor unnecessarily and extravagantly.

Mr. THOMPSON. What effect do you think that will have on labor?

Mr. MILLER. It produces constant friction; it produces small strikes and all that sort of thing; and the fact that it has no standing in economy or profit makes it entirely unnecessary.

Mr. THOMPSON. That would lead to the creation of such conditions as you have stated, upon which the I. W. W. could come in?

Mr. MILLER. It will never lead, I don't think, to the creation of such an upheaval, but as we see it in New York now it leads to constant small friction, sometimes growing quite large.

Mr. THOMPSON. What New York situation are you speaking of?

Mr. MILLER. For instance, the clothing trade in New York.

Mr. THOMPSON. Have you made a study of that?

Mr. MILLER. Oh, yes. If you went into the clothing trade thoroughly, you would see that the system that is followed over there in Brooklyn by a great many of the manufacturers is extravagant; if you compare that to the custom of Hart, Schaffner & Marx, in Chicago, you will see that the human waste is extensive there and absolutely unnecessary. It has no standing in economics.

Mr. THOMPSON. Men's clothing or clothing in general?

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Mr. MILLER. Men's clothing; to the contract system, and of the outlet system there, that is one of the worst ends of industrial conditions in this country, outside of the longshoremen.

Mr. THOMPSON. When did you make that study?

Mr. MILLER. Just previous to coming over here. That was in the latter part of 1912.

Mr. THOMPSON. That is all I have, Mr. Chairman.

Chairman WALSH, Prof. Commons, have you any questions to ask?

Commissioner COMMONS. Do you feel it is possible with what you call the foreign element to make a scientific study and work out a harmonious arrangement that you have in mind?

Mr. MILLER. Yes, sir. Experiments I have carried out with the Italians. I made some quite extensive experiments years ago on railroad construction work, in which I took Italians from a very brutal contracting system and took them by themselves up the line and endeavored to develop their living conditions and their mentality, and such as that, and I found that, as a result of those investigations and several others, that they improve wonderfully under a certain system of treatment and become valuable citizens.

Commissioner COMMONS. How large a body of Italians do you have in mind?

Mr. MILLER. First, 10; and then that was finally developed to 150.

Commissioner COMMONS. They had been employed by contractors?

Mr. MILLER. They were employed by contractors; yes, sir; under a genuine exploiting case, a case of pick-handle operation.

Commissioner COMMONS. And you were employed by the railroad company?

Mr. MILLER. I was employed as engineer by the railroad company, and I wanted to carry out this experiment.

Commissioner COMMONS. What were the essential changes you made?

Mr. MILLER. I put them under normal living conditions. I provided sanitary bunk houses for them to sleep in. I fed them on certain rations that I thought was especially adapted to the class of work they were doing, and I interested them mentally; I explained and interested them mentally in their particular work. My tendency was to find how they developed mentally. Our idea of that is that when you put a man under what we call the exploiting system, for instance, on railroad work, the law of self-preservation sets in, and he puts in really more time watching his boss and saving his strength than he does in doing work. His whole mental caliber is devoted more to fooling his foreman than to doing his best work. We removed that attitude of mind and got his mind concentrated on the idea of doing his work with nothing else to think about.

Commissioner COMMONS. Did you change the method of payment?

Mr. MILLER. No, sir; I did not change the method of payment at all. I paid them the same.

Commissioner COMMONS. Paid them by the day, the same thing?

Mr. MILLER. No, sir. There was no premium put on it at all. That I particularly avoided, anything of that kind. I simply wanted to see what education would do, what intelligent treatment would do, what the effect would be.

Commissioner COMMONS. Did you treat them all individually?

Mr. MILLER. How?

Commissioner COMMONS. Did you treat them all individually?

Mr. MILLER. I treated them as individuals.

Commissioner COMMONS. You did not treat them through their leaders?

Mr. MILLER. No, sir; I treated them all individually. I would go off and leave them for six or seven hours without anybody over them at all, without anybody to look after them.

Commissioner COMMONS. You think that is a general principle that can be adopted in factories?

Mr. MILLER. To a very great extent. The greatest waste in this country to-day is the mental destruction of the worker.

Chairman WALSH. What?

Mr. MILLER. The mental destruction of the worker.

Commissioner COMMONS. You feel that those Italians that you dealt with there represented an average class?

Mr. MILLER. I took them simply as an average 10 men. The first 10 men I took, I took them right out of the cut.

Commissioner COMMONS. They are similar to those who are now coming in?

Mr. MILLER. Yes, sir; very much the same.

Commissioner COMMONS. Do you feel that this influx is too great to be handled under the present methods?

Mr. MILLER. I do.

Commissioner COMMONS. Do you feel that if your wise methods were adopted the present influx could be handled?

Mr. MILLER. I doubt from the wise methods to have sufficient extent to handle the influx?

Commissioner COMMONS. You think it is too great?

Mr. MILLER. Yes, sir.

Commissioner COMMONS. Do you think under the present system of management that the numbers should be restricted?

Mr. MILLER. Most decidedly, until we catch up. They are coming in too fast to get a possible efficient human development.

Commissioner COMMONS. Do you think that is true in Paterson?

Mr. MILLER. I can not say as to that. I did not go into that particular subject.

Commissioner COMMONS. But generally, your observation?

Mr. MILLER. Yes, sir; generally it is. It gives too much of an inclination to exploitation. Although the foolishness and waste of exploitation and destruction of employees is becoming known, up to a couple of years ago it was scarcely acknowledged at all among the big manufacturers.

Commissioner COMMONS. Do you find it difficult to get manufacturers to accept your idea?

Mr. MILLER. Yes, sir.

Commissioner COMMONS. What is the main difficulty?

Mr. MILLER. Well, I assume it is heredity.

Commissioner COMMONS. Heredity?

Mr. MILLER. Yes, sir. I mean the tendency is not to treat the human element scientifically. These tremendous units in manufacture have sprung up without handling or taking into consideration. The government of 10,000 men is—in a plant—is a tremendously important operation, and it is not considered so by the manufacturer. They do not give the proper analysis, the proper attention.

Commissioner COMMONS. Am I correct in saying that you do not think it necessary to introduce piecework or premium methods of securing the cooperation of this element, the Italians and the foreign element? You say you pay them by the day the same as before. Do you always follow that practice?

Mr. MILLER. No, sir; not necessarily.

Commissioner COMMONS. Sometimes you introduce—

Mr. MILLER. Sometimes the premium, the test of any system, seems to have operated successfully under a very humane system of management. The point is, under a condition of that kind, unless you have a very humane system of management, I don't believe in it. I do not believe any of us understand the human element to a sufficient extent to say how much work a man can do in any—

Commissioner COMMONS. Do you find that any of the broad-silk weavers or owners here introduce any system of time studies?

Mr. MILLER. Not that I know of.

Commissioner COMMONS. Did you look into the issue any on the two looms, and three and four loom question?

Mr. MILLER. No, sir; I did not go into that.

Commissioner COMMONS. That seemed to be the essential thing here?

Mr. MILLER. That was the essential thing; yes, sir; to start on, but the trouble was when I came to Paterson I came here to discover barely the personal element rather than the personal feeling and personal animosities.

Commissioner COMMONS. You did not look into the merits of that question?

Mr. MILLER. No, sir.

Commissioner COMMONS. You looked into simply the individual question?

Mr. MILLER. Yes, sir.

Commissioner COMMONS. Supposing you had looked into the merits of that question and found that the employers here could not run on a two-loom system in competition with the employers in Pennsylvania, could your method of individual treatment have solved the question?

Mr. MILLER. I think so.

Commissioner COMMONS. How would you do it?

Mr. MILLER. I think so. I think that in the majority of cases the system of instructing rather than bossing the worker develops his knowledge. In other words, in a case of that kind I depend rather on the development of the mentality of the worker.

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Commissioner COMMONS. But how could you help the employer out in competition with Pennsylvania unless you would also go down to Pennsylvania and get them to adopt your system?

Mr. MILLER. I believe the employer then does more work. I believe the employer, if his mentality is developed, his harmonized action becomes greater. Commissioner COMMONS. The employee you mean?

Mr. MILLER. The employee, I mean.

Chairman WALSH. How is that?

Mr. MILLER. As you develop the mentality of the employee, as he understands his position better, as he understands his job better, his action becomes more harmonious, and if he does more work without serious retardation or serious fatigue —

Commissioner COMMONS. In this case that would mean that he is more capable of running four looms than he is of running two looms?

Mr. MILLER. Yes, sir. I don't want to get into the controversy between two looms and four looms, because I did not go into that question, but, as a usual thing, you can develop your workers in the majority of cases in which I have ever carried out the experiments, you can develop your workers to do a great deal more work normally, naturally, without fatigue, without reaction.

Commissioner COMMONS. If you had taken hold of this situation, or had authority, you would have made a study to see whether or not they could operate four looms?

Mr. MILLER. Yes, sir; I would make every possible kind of a study. I would try them on four looms and two looms, and then note the results, and find out what the outcome would be.

Commissioner COMMONS. Do you think such a study was not made here?

Mr. MILLER. Well, that I don't know. That is, you are referring to the time studies, and so on and so forth. I have never heard of such a study being made.

Commissioner COMMONS. I am referring to your first proposition, that the employers here had not made a sufficient scientific study of their employees?

Mr. MILLER. Of the individuality of their employees; not of the work that they were turning out.

Commissioner COMMONS. The individuality, as I understand it—the whole problem of individuality was to get them up to the four-loom basis.

Mr. MILLER. As I understood it here, they simply put them on the four-loom basis because they were operating four looms in other places.

Commissioner COMMONS. That was the reason?

Mr. MILLER. That was the reason.

Commissioner COMMONS. I was trying to get at whether, by your method, you would also put them on the four-loom basis?

Mr. MILLER. I should not have put them on the four-loom basis until I had made a very thorough examination and very complete test as to whether it was practical to run four looms or not.

Commissioner COMMONS. I believe that is all I have.

Chairman WALSH. At this point we will adjourn until 2 o'clock sharp. You will kindly resume the stand at 2 o'clock, Mr. Miller.

Mr. MILLER. Very well.

(Whereupon, at 12.30 o'clock p. m., a recess was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 P. M.

TESTIMONY OF MR. RODNEY MILLER—Continued.

Chairman WALSH. Where are your headquarters, Mr. Miller?

Mr. MILLER. 922 Broadway, New York.

Chairman WALSH. New York City?

Mr. MILLER. Yes, sir.

Chairman WALSH. You are an organization engineer?

Mr. MILLER. Yes, sir.

Chairman WALSH. And that organization, in that title, as I understand it, refers to the organization between employers and employees?

Mr. MILLER. Yes, sir.

Chairman WALSH. And naturally is confined to large industries?

Mr. MILLER. Yes, sir.

Chairman WALSH. How many men have you in your organization?

Mr. MILLER. In New York?

Chairman WALSH. Yes.

Mr. MILLER. Well, that varies. Sometimes only 5 or 6; other times 15 or 20.
Chairman WALSH. How many have you now?

Mr. MILLER. Well, I have five out now.

Chairman WALSH. At what period of your business life did you have 15 or 20?

Mr. MILLER. Oh, I have had, when I was with the old Trust Co. of America, I had a couple of hundred.

Chairman WALSH. A couple of hundred?

Mr. MILLER. Yes, sir.

Chairman WALSH. Do you make a distinction between the time you were with the old Trust Co. of America and when you were in your present independent professional organization?

Mr. MILLER. Yes.

Chairman WALSH. Well, I was asking you about the latter. You said sometimes 5 and 6 and sometimes 15 or 20.

Mr. MILLER. Well, that you understand, those employees would depend on the work which we happen to be doing.

Chairman WALSH. Well, now, then, since you have an independent professional organization, what is the highest number you had in your employ?

Mr. MILLER. About 20.

Chairman WALSH. About 20?

Mr. MILLER. Yes.

Chairman WALSH. And what industry were you working in at the time?

Mr. MILLER. Why, we were working in the clothing; we were working on the dock workers; and we were working on the American Ice.

Chairman WALSH. The dock workers of New York City?

Mr. MILLER. Boston.

Chairman WALSH. Boston?

Mr. MILLER. Yes.

Chairman WALSH. How long have you been engaged in this independently?

Mr. MILLER. Why, off and on for about seven or eight years.

Chairman WALSH. You say off and on. How long have you been engaged in it continuously?

Mr. MILLER. What I mean by that is I would go to work for a corporation direct.

Chairman WALSH. Yes.

Mr. MILLER. Then it is a matter of—you could not say at that time that I was independent any more than any other engineer was.

Chairman WALSH. Did you maintain an office for the last seven years?

Mr. MILLER. I have maintained an office for about seven years.

Chairman WALSH. For about seven years?

Mr. MILLER. Yes.

Chairman WALSH. And what proportion of that time would you say that you have been away on some particular job from which you draw the distinction in your last answer?

Mr. MILLER. Well, I should say three-quarters of the time.

Chairman WALSH. Three-quarters of the time?

Mr. MILLER. Yes.

Chairman WALSH. Then, when you were away on some of these jobs did you have some person in your office in New York?

Mr. MILLER. Yes.

Chairman WALSH. And you are pushing the lines of your profession so that if you take on any more occupation you add more force?

Mr. MILLER. Yes.

Chairman WALSH. In an attempt to handle it?

Mr. MILLER. Yes.

Chairman WALSH. So that in reality you have been engaged in this steadily, then, for seven years?

Mr. MILLER. Yes.

Chairman WALSH. Sometimes being away from your office and sometimes not?

Mr. MILLER. Yes.

Chairman WALSH. That would express it, would it?

Mr. MILLER. Yes.

Chairman WALSH. Now, tell me in what industry, leaving out Paterson, you did the largest amount of work in the past seven years?

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Mr. MILLER. In the past seven years? Well, it is a question whether it was in the clothing or whether it was in the shore or whether it was in the street railway.

Chairman WALSH. You mentioned in your direct examination that you had been employed by Stone & Webster?

Mr. MILLER. Yes.

Chairman WALSH. Was that when you were in the street railway industry?

Mr. MILLER. Yes.

Chairman WALSH. Stone & Webster are a firm in Boston are they?

Mr. MILLER. Yes.

Chairman WALSH. And what are they particularly? What are they called?

Mr. MILLER. Well, Stone & Webster are constructors and operators of street railways. I believe they have 36 systems throughout the United States.

Chairman WALSH. They act in a manner as trustees for propositions?

Mr. MILLER. Yes; for street railway properties.

Chairman WALSH. Do they have to do with the employment of the organization?

Mr. MILLER. Yes; operation and management.

Chairman WALSH. What?

Mr. MILLER. Yes; also managers.

Chairman WALSH. Please give me the names of the largest cities in which Stone & Webster operate?

Mr. MILLER. Well, they are almost all southern cities.

Chairman WALSH. For instance?

Mr. MILLER. For instance, Jacksonville, Fla., Atlanta-- I have forgotten most of the cities.

Chairman WALSH. Memphis?

Mr. MILLER. Memphis; they are in Memphis.

Chairman WALSH. But not in New Orleans?

Mr. MILLER. Not in New Orleans; no.

Chairman WALSH. In what other city in the South or West do they operate?

Mr. MILLER. Well, they are in Tennessee, in one of the big cities there.

Chairman WALSH. Chattanooga?

Mr. MILLER. I think in Chattanooga; yes.

Chairman WALSH. Do you recall any others?

Mr. MILLER. No, I don't recall any others.

Chairman WALSH. Are they in any eastern cities?

Mr. MILLER. No.

Chairman WALSH. Are they in any mid-western city that you know of, any city in the Mississippi Valley?

Mr. MILLER. I believe they are in Seattle, I think.

Chairman WALSH. Now, as I understand it, these railway companies all have a local organization in their towns?

Mr. MILLER. Yes.

Chairman WALSH. And a staff of officers?

Mr. MILLER. Yes.

Chairman WALSH. But Stone & Webster are in reality the operators of them; they underwrite bonds and sell bonds?

Mr. MILLER. Yes; act as brokers.

Chairman WALSH. And assume as trustees the management of these properties?

Mr. MILLER. Yes, sir.

Chairman WALSH. I am going to try to pick them out as a typical case to see if I can get an illustration of about how your general work comes into an industry?

Mr. MILLER. Yes.

Chairman WALSH. For what length of time were you with Stone & Webster?

Mr. MILLER. I was only with Stone & Webster about two months. I was to stay with Stone & Webster for some time, but I left them on account of malaria fever that I contracted in Florida.

Chairman WALSH. Very well. I took them because you said there were three industries in which you were divided as to which you did the largest amount of work; one was clothing, the dock workers, and street railways?

Mr. MILLER. Yes.

Chairman WALSH. How long were you in the clothing work?

Mr. MILLER. In the clothing work about three months.

Chairman WALSH. Whereabouts?

Mr. MILLER. Around Brooklyn.

Chairman WALSH. Not in the Borough of Manhattan at all?

Mr. MILLER. Well, you understand that most of the big clothing houses have their headquarters in the Borough of Manhattan.

Chairman WALSH. But your work, so far as the industry, the workers, and employers is concerned, was confined to Brooklyn?

Mr. MILLER. Principally to Brooklyn; yes.

Chairman WALSH. You say principally Brooklyn. Was there any of it in the Borough of Manhattan?

Mr. MILLER. No.

Chairman WALSH. Now, then, the dock workers, as I understand you, was in Boston?

Mr. MILLER. Yes.

Chairman WALSH. How long did you remain in that industry?

Mr. MILLER. In that industry I was about three months.

Chairman WALSH. Three months?

Mr. MILLER. Yes.

Chairman WALSH. By whom were you employed when you were working on the dock workers?

Mr. MILLER. I was in the employ of Wall Street interests.

Chairman WALSH. Well, what interests?

Mr. MILLER. Interests—

Chairman WALSH (interrupting). If you have no objection to telling.

Mr. MILLER. Well, some of them I have.

Chairman WALSH. Very good. Any that you have objection to stating, why, don't state them.

Mr. MILLER. Wherever I can I will make a clean statement.

Chairman WALSH. Yes.

Mr. MILLER. Well, some are old clients of the Trust Co. of America that employed me direct to look into these matters as rather a side issue. That is where they are stockholders in it. That was the case, for instance, when I was sent up to Boston during the Boston railway strike. I was sent up by some stockholders of the Boston Elevated Railroad and in their interest, and the fact that my decision up there was against the policy of the organization—why, I should not care to divulge the particular people that sent me up there. In other words, I favored in that particular case the union, where the management did not.

Chairman WALSH. Well, my question was just to state as briefly as possible the name—of those clients you had in the dock workers, if you do not object to giving them. If you object to giving them, I will not pursue it. Just indicate the names of those clients that you had a retainer from in the dock workers in Boston, if you do not decline or object to giving them.

Mr. MILLER. The dock workers in Boston came indirectly through the stockholders of the International Mercantile Marine.

Chairman WALSH. The International Mercantile Marine?

Mr. MILLER. Yes, but not through Mr. Franklin, not through the management.

Chairman WALSH. Well, if you will indicate to me now who your employer was—any employer you had in the dock workers that you care to—why, I will be very glad to have it. I will ask you this question. Perhaps I ought to pursue that: Was there a difficulty pending between the client which you had and the employees in the shipping industry in Boston at that time?

Mr. MILLER. Oh, yes.

Chairman WALSH. How long did that last?

Mr. MILLER. That lasted about six weeks.

Chairman WALSH. About six weeks?

Mr. MILLER. About six weeks.

Chairman WALSH. And how long were you there?

Mr. MILLER. I was there about three months.

Chairman WALSH. About three months?

Mr. MILLER. That is, there on that work about three months.

Chairman WALSH. When did you go there with reference to the cessation of work and the calling of the strike—the beginning of this trouble?

Mr. MILLER. I went there after the strike was called.

Chairman WALSH. After it was called?

Mr. MILLER. Yes.

Chairman WALSH. And then I take it that you remained there something like as great a length of time after it was over as you were there before?

Mr. MILLER. Yes; practically.

Chairman WALSH. And how large a staff did you have in the dock workers?

Mr. MILLER. In the dock workers there were only three of us up there.

Chairman WALSH. Only three?

Mr. MILLER. Yes.

Chairman WALSH. In the clothing industry, do you mind saying who your clients were?

Mr. MILLER. S. W. Peck.

Chairman WALSH. M. W. Peck?

Mr. MILLER. S. W. Peck.

Chairman WALSH. S. W. Peck?

Mr. MILLER. Yes.

Chairman WALSH. When was the time you worked in the clothing industry?

Mr. MILLER. Well, that was in the latter part of 1912 and first part of 1913.

Chairman WALSH. And he was your sole client in the clothing industry at that time?

Mr. MILLER. Yes.

Chairman WALSH. And was there a labor difficulty pending at that time?

Mr. MILLER. There was a labor difficulty pending at that time.

Chairman WALSH. In the city of Brooklyn?

Mr. MILLER. In the city of Brooklyn.

Chairman WALSH. How long were you on that work, on the clothing work?

Mr. MILLER. Well, I was on the clothing work I should say for, as nearly as I can recall now, at different periods, for three months. You know it extended over after, and certain issues came up.

Chairman WALSH. Was that a strike or a lockout or both? Just broadly state it?

Mr. MILLER. Well, that was practically a lockout.

Chairman WALSH. Practically a lockout?

Mr. MILLER. Yes.

Chairman WALSH. Certain men struck and the employers locked out the rest?

Mr. MILLER. Yes.

Chairman WALSH. Was there any organization of employers in Brooklyn at the time?

Mr. MILLER. Of employees?

Chairman WALSH. Of employers? Was there an employers' association in the clothing trade in Brooklyn at the time?

Mr. MILLER. Well, there was an employers' association in New York which covered Brooklyn.

Chairman WALSH. It covered this territory?

Mr. MILLER. The clothing manufacturers association did.

Chairman WALSH. Was there a strike in other manufactories aside from the Peck factory?

Chairman WALSH. But you only represented that one?

Mr. MILLER. That is all.

Chairman WALSH. How much of a staff did you have in your work in the clothing trade?

Mr. MILLER. There were about five of us there.

Chairman WALSH. About five of you?

Mr. MILLER. Yes.

Chairman WALSH. Now, did you go to Brooklyn on this work for S. W. Peck before or after the strike was called or the lockout begun?

Mr. MILLER. I think it was just about—perhaps about as the strike had started.

Chairman WALSH. Just as it started?

Mr. MILLER. Perhaps it was a little before. I have forgotten.

Chairman WALSH. If it was before, what length of time would you say?

Mr. MILLER. A very short time before.

Chairman WALSH. Was it a matter of days or hours or weeks?

Mr. MILLER. It was a matter of a few days probably.

Chairman WALSH. You were called in, as I take it, on account of the fact that the relations were not pleasant between the employers and employees?

Mr. MILLER. Yes.

Chairman WALSH. And when you were there a few days a lockout had been instituted or a strike took place?

Mr. MILLER. Yes.

Chairman WALSH. And how long did it last, the whole strike?

Mr. MILLER. Why it lasted I believe to the 10th of March.

Chairman WALSH. The 10th of March?

Mr. MILLER. Yes. That is before it was entirely settled, until the 10th of March.

Chairman WALSH. I will ask you this: In your employment in these concerns are you paid a lump sum? Do you contract for a lump sum or so much salary and so much for staff?

Mr. MILLER. So much salary and so much for staff.

Chairman WALSH. So much for staff?

Mr. MILLER. Yes.

Chairman WALSH. And it depends then, of course, on the length of time of your service?

Mr. MILLER. Yes.

Chairman WALSH. Now, when you were working for Stone & Webster, in what cities did you work?

Mr. MILLER. Only in Jacksonville.

Chairman WALSH. Only in Jacksonville?

Mr. MILLER. That is all. I was to go to other cities, but on account of the fever I contracted in Jacksonville I did not go.

Chairman WALSH. How long were you there?

Mr. MILLER. About two months.

Chairman WALSH. And did I make a mistake? I thought you stated that it was two weeks for Stone & Webster?

Mr. MILLER. Oh, no.

Chairman WALSH. It was two months?

Mr. MILLER. It was between six weeks and two months. I think it was two months. It was not less than six weeks.

Chairman WALSH. Not less than six weeks, and you think two months?

Mr. MILLER. Yes.

Chairman WALSH. And all of your work was in Jacksonville?

Mr. MILLER. Yes.

Chairman WALSH. Was there a labor difficulty pending in Jacksonville at the time?

Mr. MILLER. Yes. They—

Chairman WALSH (interrupting). What is that?

Mr. MILLER. Stone & Webster was—what they wanted to was what brought on that difficulty.

Chairman WALSH. The difficulty was in progress when you reached Jacksonville?

Mr. MILLER. It was in the embryo when I got there.

Chairman WALSH. What is that?

Mr. MILLER. They had not gone out when I got there.

Chairman WALSH. Was there an association of street employees in Jacksonville?

Mr. MILLER. There was. The organization was made up at the time that the employees went out.

Chairman WALSH. That the employees went out?

Mr. MILLER. They applied to the American Federation of Labor there to be taken in at the time or just prior to the time the strike was called.

Chairman WALSH. And when did you get there with reference to the time the strike was called?

Mr. MILLER. I got there at about the same time that the strike was called.

Chairman WALSH. Well, was it—was that a matter of days?

Mr. MILLER. That was a matter of days; yes.

Chairman WALSH. Could you tell whether it was a few days before or a few days afterwards?

Mr. MILLER. It was two or three days before.

Chairman WALSH. How long had there been a labor organization of any kind in Jacksonville when you got there?

Mr. MILLER. I don't think there had been any.

Chairman WALSH. Well, was the effort being made to organize the men at that time?

Mr. MILLER. Yes.

Chairman WALSH. By the Amalgamated Association?

Mr. MILLER. Yes.

Chairman WALSH. And who was in there as leader for the amalgamating association?

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Mr. MILLER. That slips my mind now.

Chairman WALSH. Was Mr. Mahon there?

Mr. MILLER. No; he was not.

Chairman WALSH. Was Mr. Pratt in the organization at that time?

Mr. MILLER. No; he was not in the organization.

Chairman WALSH. Mr. Terry?

Mr. MILLER. Yes; I think it was Mr. Terry if I remember rightly.

Chairman WALSH. And you remained there for some time?

Mr. MILLER. Yes.

Chairman WALSH. Was the strike over when you left?

Mr. MILLER. Yes.

Chairman WALSH. You say that the work you did in the clothing industry was when?

Mr. MILLER. The latter part of 1912 and the first part of 1913.

Chairman WALSH. Now, you say that the clothing, the work you did in the clothing industry was when?

Mr. MILLER. Why, it was the latter part of 1912 and the first part of 1913.

Chairman WALSH. And in the dock workers?

Mr. MILLER. And now, I have forgotten that dock workers' date.

Chairman WALSH. Well, approximate it as near as you can.

Mr. MILLER. I think that was in 1911.

Chairman WALSH. It was prior to your service for Mr. Peck?

Mr. MILLER. Yes, sir.

Chairman WALSH. You are quite sure of that?

Mr. MILLER. Yes, sir; I am quite sure of that.

Chairman WALSH. When was your service at Jacksonville?

Mr. MILLER. That was the latter part of 1911.

Chairman WALSH. Now, will you kindly tell me, if there be such in your memory, in existence, some industry in which you were employed when there was not any trouble pending, and in which no trouble came?

Mr. MILLER. Why, I was in the United States Carbonate Co.

Chairman WALSH. What?

Mr. MILLER. Carbonate.

Chairman WALSH. How long were you with them?

Mr. MILLER. A year and a half.

Chairman WALSH. Was that in the last seven years?

Mr. MILLER. Yes, sir.

Chairman WALSH. When was it?

Mr. MILLER. That was about six years ago.

Chairman WALSH. Where is their place?

Mr. MILLER. Down on the Passaic River, just above Newark.

Chairman WALSH. How long were you with them?

Mr. MILLER. A year and a half.

Chairman WALSH. When I asked you for the longest places, Mr. Miller, you mentioned those other three. Was the character of your employment any different with the United States Carbonate Co. than it was with those others?

Mr. MILLER. Well, I was associate receiver of the United States Carbonate Co.

Chairman WALSH. You were receiver?

Mr. MILLER. No, sir; associate; John R. Harper was receiver of the United States Carbonate Co.

Chairman WALSH. What—your appointment with that company was a court appointment?

Mr. MILLER. Yes, sir.

Chairman WALSH. What court?

Mr. MILLER. The Chancery Court of New Jersey.

Chairman WALSH. You were an official of the Chancery Court of New Jersey?

Mr. MILLER. Yes, sir.

Chairman WALSH. And operating the plant?

Mr. MILLER. Yes, sir.

Chairman WALSH. Would you care to put that in as one of the places? I am leading up to find out just how your system applies to the industrial system as a whole, and how it could be worked in. What I want to know is, if you do not make a distinction between the work you did for the carbonate company and the work you did for the clothing companies, street railway, and dock-workers' industries.

Mr. MILLER. The difference is this—

Chairman WALSH (interrupting). I don't care for the difference. Is there a difference?

Mr. MILLER. There is a difference.

Chairman WALSH. You were appointed by the court, and you were paid a fee which was charged up in the case?

Mr. MILLER. Yes, sir.

Chairman WALSH. Did you remain on the job during all the time? Was it a matter of continuous employment?

Mr. MILLER. Very much so; yes, sir.

Chairman WALSH. Where did you have an office during the time you were with them?

Mr. MILLER. I had the same office—922 Broadway.

Chairman WALSH. How many employees in the United States Carbonate Co.?

Mr. MILLER. It varies; it was simply a matter of maintenance while the case was in the court, and the process of finding out some way to reorganize the property. Very few.

Chairman WALSH. Approximately how many employees in the United States Carbonate Co.?

Mr. MILLER. I should say it averaged perhaps 20.

Chairman WALSH. Twenty?

Mr. MILLER. Yes, sir.

Chairman WALSH. What was the total number when the company was operating outside of the jurisdiction of the court?

Mr. MILLER. Probably 150.

Chairman WALSH. One hundred and fifty?

Mr. MILLER. Yes, sir.

Chairman WALSH. During the time you were there, the general character of those 20 employees, were they mechanics or clerks, or what?

Mr. MILLER. Mechanics, principally.

Chairman WALSH. Mechanics, principally?

Mr. MILLER. Yes, sir; and watchmen.

Chairman WALSH. How many mechanics and how many watchmen?

Mr. MILLER. Well, four—five watchmen, and there were about three or four painters. It is necessary to keep machinery painted when idle.

Chairman WALSH. It was just such an equipment as was necessary to keep the plant from running down while in the hands of the court?

Mr. MILLER. Yes, sir. Occasionally, we made certain tests of the machinery to see whether it was practical.

Chairman WALSH. They were not operating the plant?

Mr. MILLER. No, sir; it was in a state of reorganization. All I did was to find out if reorganization was practical.

Chairman WALSH. And they were not producing any produce for a year and a half?

Mr. MILLER. Not for market; simply for test.

Chairman WALSH. Whatever action you took—general action—was under the orders of the court?

Mr. MILLER. Yes, sir.

Chairman WALSH. Federal court?

Mr. MILLER. Chancery court.

Chairman WALSH. I shall eliminate that from the list for the purpose of the questions I am going to ask, so that you can drop that from your mind.

I wish you would take the street car situation, which was the first one, and tell us, if you will, exactly what you did.

Mr. MILLER. Which was that?

Chairman WALSH. One minute, please. I believe that you stated that the philosophy of your business scheme, or professional scheme, was to establish better relations between the employers and the employees, and to develop the mental attitude of the workers and employees so that they would have a better understanding, that the employers could get along better with the men, not attempt to exploit them, and that the men could do better and more efficient work with less fatigue. That about states your statement?

Mr. MILLER. Yes, sir.

Chairman WALSH. I wish you would, as briefly as possible, tell us exactly what you did in Jacksonville.

Mr. MILLER. In Jacksonville, I wandered around the city, I made inquiries through men who had worked for the car company. I made inquiries of mer-

chants around the city as to the car company, as to the general opinion of the management of the car company, and such inquiries as would lead to establish, in my mind, what the discontent of those workers were. The idea was to establish, from disinterested people, who might have valuable knowledge, why those workers went out.

Chairman WALSH. What else?

Mr. MILLER. What the cause of this sudden——

Chairman WALSH (interrupting). And, in general terms, among whom did you inquire?

Mr. MILLER. Well, I inquired among anybody that I thought would have any interest. I would inquire of a merchant.

Chairman WALSH. Was your purpose announced publicly?

Mr. MILLER. No, sir; it was not public, nor was it secret. It was neither one thing nor the other.

Chairman WALSH. You were attempting to ascertain, as I understand you, and localizing it, the cause of the strike?

Mr. MILLER. I wanted to find out personally the cause of the strike.

Chairman WALSH. You wanted to ascertain personally the cause of the strike?

Mr. MILLER. Yes, sir.

Chairman WALSH. And to do that you went to the employers, of course?

Mr. MILLER. Yes, sir.

Chairman WALSH. And to the men who had been in the industry and were on strike?

Mr. MILLER. Not particularly to the men that were on strike. The men who had left the company.

Chairman WALSH. The men who had left the company?

Mr. MILLER. Yes, sir.

Chairman WALSH. Did you go to them in a body?

Mr. MILLER. Oh, no.

Chairman WALSH. You went to them individually?

Mr. MILLER. Yes, sir.

Chairman WALSH. Were they holding meetings?

Mr. MILLER. No, sir; I didn't go to the meetings.

Chairman WALSH. Were they holding them?

Mr. MILLER. Yes, sir.

Chairman WALSH. Did you go to any of the meetings?

Mr. MILLER. No, sir.

Chairman WALSH. Did you talk to Mr. Terry, or whoever was in charge?

Mr. MILLER. No, sir; I did not talk to Mr. Terry.

Chairman WALSH. Did you talk to the public, the business men, etc.?

Mr. MILLER. Yes, sir.

Chairman WALSH. You told them what your purpose was, did you not?

Mr. MILLER. No, sir; I did not tell them particularly what my purpose was one way or the other.

Chairman WALSH. How many men, approximately, were in the organization that were out?

Mr. MILLER. I think about 400, if I remember rightly, approximately that.

Chairman WALSH. Mr. Miller, anything else that you may have done there?

Mr. MILLER. Well, I will state that the trend of my report was this——

Chairman WALSH. No; but what did you do? You say you inquired in those various places to ascertain the cause of the strike?

Mr. MILLER. Yes, sir.

Chairman WALSH. And the opinions of the individuals?

Mr. MILLER. Yes, sir.

Chairman WALSH. As to the cause of the strike?

Mr. MILLER. Yes, sir.

Chairman WALSH. What else, if anything, did you do before making any report?

Mr. MILLER. I pursued that course pretty much throughout the time I was down there.

Chairman WALSH. What else did you do besides inquire from those various quarters as to the cause of the strike, if anything?

Mr. MILLER. I didn't do anything.

Chairman WALSH. You didn't do anything?

Mr. MILLER. No, sir.

Chairman WALSH. Did you make any effort—or what effort did you make, if any—toward establishing this proposition that you say you think underlies this situation?

Mr. MILLER. I didn't make any effort.

Chairman WALSH. You didn't make any effort there?

Mr. MILLER. No, sir. My mission down there was to find why this trouble was produced.

Chairman WALSH. Yes; and that is all?

Mr. MILLER. That is all.

Chairman WALSH. You thought you ascertained that?

Mr. MILLER. Yes, sir; I thought I found out, and reported to that effect.

Chairman WALSH. Did you make suggestions as to allaying any feeling that there was?

Mr. MILLER. Yes, sir; I made suggestions and they were accepted, and I was to continue those suggestions throughout other parts of the system.

Chairman WALSH. In what way, if in any way, did you attempt to put into operation the plan that you suggested to our commission here?

Mr. MILLER. I made no attempt to put in the plan excepting in my recommendations to the company.

Chairman WALSH. Well, did you say anything to the workers about it?

Mr. MILLER. No, sir.

Chairman WALSH. Did you say anything to the men who were leading the organization?

Mr. MILLER. No, sir.

Chairman WALSH. Was the strike there for wages, conditions, hours?

Mr. MILLER. Ostensibly it was for wages. As a matter of fact, I think also it was rather conditions.

Chairman WALSH. It was rather conditions?

Mr. MILLER. Yes, sir.

Chairman WALSH. The men that were on strike, what did they claim?

Mr. MILLER. The wages were very low there.

Chairman WALSH. What did the men on strike say they were staying out for?

Mr. MILLER. For money.

Chairman WALSH. For more wages?

Mr. MILLER. Yes, sir, and they were entitled to it.

Chairman WALSH. They were entitled to it?

Mr. MILLER. Yes, sir.

Chairman WALSH. You didn't say anything to them about your plans?

Mr. MILLER. No, sir.

Chairman WALSH. Individually or collectively?

Mr. MILLER. No, sir.

Chairman WALSH. You entered the clothing business in 1912 and 1913?

Mr. MILLER. Yes, sir.

Chairman WALSH. I wish you would begin and briefly state to the commission what you did during the three months that you were in Brooklyn. What were your general duties?

Mr. MILLER. My general duties—I wandered around. I would go into a clothing factory, say, and I would watch the workers, if there were any. In the clothing factories some of the workers stayed in. I watched the workers; I watched the management; I studied the system. For instance, I heard in one shop down the line—I will compare two shops.

In one shop the fighting around that particular shop was very severe. Every striker was out. Well, now, I became interested in finding out why the animosity against that particular shop was so great.

Chairman WALSH. And did you ascertain the facts?

Mr. MILLER. Yes, sir.

Chairman WALSH. To your satisfaction?

Mr. MILLER. I ascertained the facts.

Chairman WALSH. What else did you do?

Mr. MILLER. As to why that animosity was—

Chairman WALSH (interrupting). Existed?

Mr. MILLER. Yes, sir. In other words, the fault was with the particular type of management which there was in that shop, which was an exploiting system, which provoked the workers and annoyed them unnecessarily. And the consequence was, when they went out they attacked the shop and attempted to

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destroy it, which afterwards, after my investigation, I did not blame them much for doing it.

Chairman WALSH. So that one of the things you did was to inquire into the acute disturbance in the particular place?

Mr. MILLER. Yes, sir. I wanted to find out what the personality was

Chairman WALSH. How long did it take you to make that particular inquiry?

Mr. MILLER. Oh, I was off and on there, I guess, for a couple weeks.

Then, in another shop, the workers had stayed in, they would not go out. This was also for the same concern.

Chairman WALSH. Yes?

Mr. MILLER. I went up there and made an investigation as to why those people stayed in, why they did not go out.

Chairman WALSH. Did you talk to the employers in both instances?

Mr. MILLER. Yes, sir.

Chairman WALSH. Did you talk with the employees in both instances?

Mr. MILLER. Yes, sir; everybody concerned in those two instances that I could find to talk to.

Chairman WALSH. What else did you do aside from inquiring into the cause of violence at this one place, and the phenomena, as you might call it, of the men staying in the shop when they did not in the other places? What else did you do?

Mr. MILLER. I went into the contractors' shop. I talked to the contractors, and people who worked in contracting shops, and people in tuberculosis shops, that sort of things.

Chairman WALSH. Anything else?

Mr. MILLER. That was principally what I did.

Chairman WALSH. What else did you do while you were in Brooklyn?

Mr. MILLER. That was practically all.

Chairman WALSH. Did you suggest a plan to the employers for bringing about more amicable relations, and all the industrial unrest of Brooklyn on the occasion of this visit?

Mr. MILLER. I did, but I don't think it was ever accepted.

Chairman WALSH. Briefly, what was the plan?

Mr. MILLER. Well, I simply suggested, I pointed out to the management, the system of management that had not been successful. But I will say as to the economic conditions as a whole, in the clothing industry, at that time I did not have clearly the same ideas that I have now, or that I have in the course of preparation at the present time.

Chairman WALSH. That you have now, and what else? I didn't catch that?

Mr. MILLER. That I have in course of preparation at the present time.

Chairman WALSH. That you have in course of preparation at the present time?

Mr. MILLER. Yes, sir. It is a very complicated industry, the clothing industry is, and while my conclusions are very clear on it, we have to get evidence, additional evidence.

Chairman WALSH. Did you give any advice to the men who were on strike in Brooklyn?

Mr. MILLER. No, sir.

Chairman WALSH. Either individually or collectively?

Mr. MILLER. No, sir; not in that case.

Chairman WALSH. Not in that case?

Mr. MILLER. No, sir.

Chairman WALSH. Now, I wish you would briefly state what you did in Boston, if you did anything, different from what you did in Brooklyn and the other place?

Mr. MILLER. No, sir; Boston was very much the same, with the exception that I came to the conclusion in Boston that the strikers were right and the management was wrong, and I so advised the men in New York, that that was my idea; that I thought it would be better for the company and better for the men if the union was acknowledged, and I did advise some of the strikers in that case to that end.

Chairman WALSH. In those places did you look after such things as the sanitary arrangements and the hygienic welfare of the people in the industry? Or did that come under your system?

Mr. MILLER. That did not come under it.

Chairman WALSH. I understand you to say that you thought the cause of industrial unrest was the lack of study in Paterson?

Mr. MILLER. Yes, sir.

Chairman WALSH. The lack of study of the foreigners engaged in the industry?

Mr. MILLER. Yes. Well, yes; the lack of study generally.

Chairman WALSH. And that the remedy was to restore or build up the mental attitude or the intelligence of the worker and the employer.

Mr. MILLER. Yes, sir.

Chairman WALSH. To the end that a better understanding might be had, and that the policy of crushing the brain of the worker, as by the present system, might be done away with?

Mr. MILLER. Yes, sir.

Chairman WALSH. To put that into concrete, everyday terms, what observation have you had of the crushing of the brain of the workers under the present system?

Mr. MILLER. In dock workers that might be exaggerating it, or it might be resented.

Chairman WALSH. I don't wish to present it that way; but I am trying to get at whether or not you have a remedy now for the industrial unrest.

Mr. MILLER. My idea is, in the case of a foreman, for instance—our idea of training foremen and managers is to train instructives.

Chairman WALSH. To train instructives?

Mr. MILLER. Yes; our idea is not that the foreman or the superintendent is the brains of the plant. Every worker in the plant has a mind that is of special value. Our tendency is to, in the place of the ordinary foremen, put men in there and instruct and raise the quality and relations—raise the ideal and utilize the mentality of the employee.

Chairman WALSH. Let me localize further, if possible. Pick out a shop in the city of Paterson which you investigated and tell me the change that, in your opinion as an expert, you would make with reference to the employment of the foremen therein.

Mr. MILLER. I don't want to go into an individual shop in Paterson specially. I will show you an instance that came up last night.

Chairman WALSH. One minute, please. I will let you make an explanation, but I would like to keep to this for the present.

You would prefer not to mention any plant in Paterson in which you could put this plan in operation in Paterson on account of the personal element involved?

Mr. MILLER. Yes, sir.

Chairman WALSH. Would you, without mentioning any names, mention a condition in a shop in Paterson which has a tendency—I am simply using this as your phrase—to depress or crush the brain of the worker, and what you would do toward selecting a foreman, and what the present foreman does that has that tendency, and the advice that you would give to the foreman whom you would select?

Mr. MILLER. The tendency in some shops in Paterson is to treat the worker rather as an automaton.

Chairman WALSH. As an automaton?

Mr. MILLER. Yes, sir.

Chairman WALSH. What do you mean by that? That in the case of a weaver, as I understand it, he has a machine to attend.

Mr. MILLER. Yes, sir.

Chairman WALSH. Watch the material going through and stop the machine when the work is not being done properly, and perform some other little things of that kind. How does the foreman treat the men in doing that work?

Mr. MILLER. He treats them not as well as he does his machine. It is an automatic proposition to him. There is no individuality. The extent that a man who may be doing very good work, or may have a tendency to do very good work; there is not enough attention given to training a man up to his work.

Chairman WALSH. The man has a loom?

Mr. MILLER. Yes, sir.

Chairman WALSH. That I see.

Mr. MILLER. Yes, sir.

Chairman WALSH. You have seen them, of course?

Mr. MILLER. Yes, sir.

Chairman WALSH. Well, take four looms—

Mr. MILLER (interrupting). If he makes one or two mistakes, he is thrown out. My idea in that case would be to take a man who was normal and train him up rather than throw him out. When you throw him out you make him an enemy.

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Chairman WALSH. That is, if you treat him with any sort of justice?

Mr. MILLER. Yes, sir.

Chairman WALSH. What I wish to say, we are on this particular industry now. Tell me how a man is treated, a weaver, say, who is operating four looms, which seems to be a matter of controversy here between the employers and the employees, how the man is treated there by the foreman, the man that you say does not do it right, and how you would propose that should be done to allay the ill feeling between the employer and the employee?

Mr. MILLER. Well, in the case where, for instance, the case of speeding up, we regard overspeeding as a very serious condition.

Chairman WALSH. You regard overspeeding as a serious condition?

Mr. MILLER. Yes, sir.

Chairman WALSH. I am trying to get a local case to apply?

Mr. MILLER. For instance, here is a man, say, 25 years old, working four looms. I don't say that this is a particular case. This man can work those three or four looms, as the case may be, without injury to himself. Perhaps next to him is a man 50 years old who is not quick enough to operate those four looms. Do you see?

Chairman WALSH. Yes.

Mr. MILLER. Then, our idea is, under the conditions, to overwork a worker, because it reflects back on the entire plant.

Chairman WALSH. But that is the general proposition that a man should not be overworked?

Mr. MILLER. Yes, sir.

Chairman WALSH. But I am getting down to this now: Give me the case of a foreman. Your plan would be, then, if I get your simile right, that this old man of 50 should not be discharged because he could not do as much as the young man of 25?

Mr. MILLER. Yes, sir.

Chairman WALSH. What should be done with him under your system?

Mr. MILLER. Well, that is a question of the general policy of your plant.

Chairman WALSH. Have you worked out in a concrete way your plan so that it could be applied to an industry in Paterson?

Mr. MILLER. Why, yes; it could be applied to an industry in Paterson.

Chairman WALSH. Will you state any other— all I have been able to gather, and it may be because I have asked questions along one line, has been that you thought the foremen should not treat the workmen with injustice or severity.

Mr. MILLER. Yes.

Chairman WALSH. Is that correct?

Mr. MILLER. Yes.

Chairman WALSH. Anything else in your plan?

Mr. MILLER. The plan involves a general system on instruction.

Chairman WALSH. To whom?

Mr. MILLER. To the workers.

Chairman WALSH. Well, how would the workers—do I understand that you expect them not to be so speedy or to refuse to do this added work?

Mr. MILLER. No; that comes directly from the management.

Chairman WALSH. Well, what would you instruct the worker to do in the case where he was, say, 50 years of age and the foreman was threatening him with discharge on account of the fact that he did not operate four looms with as much speed as a man of 25?

Mr. MILLER. Well, the worker in that case—you have got to control the management, not the worker. You can't control the worker.

Chairman WALSH. There is nothing the worker could do in that case?

Mr. MILLER. No—

Chairman WALSH. (interrupting). Now, you say you found the tendency here for the employers here in some instances to lump the Italian workers, the high-class ones, with the Italian criminally inclined?

Mr. MILLER. Yes.

Chairman WALSH. And in your work as organization engineer have you observed or is it your opinion that there are persons who are criminally inclined as distinguished from normal persons?

Mr. MILLER. In rare cases; yes.

Chairman WALSH. In rare cases?

Mr. MILLER. Yes.

Chairman WALSH. And do you make a study of causes?

Mr. MILLER. Yes.

Chairman WALSH. That is, as to environments?

Mr. MILLER. Yes.

Chairman WALSH. And as to surroundings?

Mr. MILLER. And surroundings.

Chairman WALSH. And educational facilities?

Mr. MILLER. For instance, I have taken men into a plant who are supposed to be criminally inclined and found that when put under a humane system they became very good workers—very fine workers. The criminal inclination is a disease in many cases, capable of being overcome by proper environment.

Chairman WALSH. Well, I had not concluded my question. That would include, of course, the teaching of moral precepts?

Mr. MILLER. Well, moral precepts come from environment to a very great extent.

Chairman WALSH. And the expression of what we might call a religious life, which has grown out of ancestry and youthful teachings and things of that sort?

Mr. MILLER. Yes.

Chairman WALSH. They cut a figure, of course, with a man deemed to be criminally inclined?

Mr. MILLER. Yes.

Chairman WALSH. And you think, then, a very small minority, from your investigation, of these Italians are criminally inclined and that the trouble came here from classifying those from what you call high-class Italians with the others. What is your definition, applied locally, of high-class Italians?

Mr. MILLER. Well, I don't know as I would call them high-class Italians; but I mean a good, clean-minded worker.

Chairman WALSH. A good man morally?

Mr. MILLER. Yes, sir.

Chairman WALSH. That abides by the law?

Mr. MILLER. Yes, sir.

Chairman WALSH. And by the conventions as proclaimed by society as a whole?

Mr. MILLER. Yes.

Chairman WALSH. And his financial condition, of course, would have nothing to do with that?

Mr. MILLER. Oh, no.

Chairman WALSH. His ability to work, of course, would have nothing to do with making him a good citizen?

Mr. MILLER. No; it is simply a state of mind.

Chairman WALSH. Just a state of mind?

Mr. MILLER. Yes.

Chairman WALSH. Now, you found another class; now, what sort of a plan have you, if any, to do away with that cause of unrest in Paterson? What would you do to eliminate what you conceive to be the injustice of taking these few criminally inclined and in fact and by expression putting them with the high-class ones?

Mr. MILLER. Well, I think Paterson is not different in that respect from a great many industrial centers. As I stated, in the first place, the solution of that problem probably is the bringing to bear on the industrial conditions the same type of analysis, the same type of brain, that we bring to bear and have brought to bear in this country in the development of our mechanical and financial institutions. Now, for certain hereditary reasons—

Chairman WALSH (interrupting). Well, very briefly, where would you get your plan in the educational system of the country?

Mr. MILLER. I should go—for instance, there is an experiment now in the Detroit Chamber of Commerce. They are sending all over the country for experts to analyze all the different nationalities that are gathered into Detroit there and to work out the characteristics of each with the idea of amalgamating the institutions. As I said before, the Tennessee Coal & Iron experiment was tremendously successful down there—

Chairman WALSH (interrupting). My question was, What would be your plan, now, specifically, bearing upon the one class that we have come to—that is, the amalgamation—in the minds of the employers of the high-class Italians and the criminally inclined?

Mr. MILLER. Well, that is simply a matter of study of the characteristics of the Italians until you can distinguish the individual. Now, we can distinguish

naturally an American, as to his quality, after a comparatively short talk with him.

Chairman WALSH. You can?

Mr. MILLER. That is, in a general sense.

Chairman WALSH. That is, whether or not he is criminally inclined and if so, whether it is a matter of environment or disease, or because of depravity?

Mr. MILLER. Yes—in a comparatively short time.

Chairman WALSH. Why is it more difficult to do it in the case of the Italian through an interpreter?

Mr. MILLER. Well, in the first place, we don't understand the customs generations back under which he has been developed. In a great many cases we don't understand his language, and he has certain characteristics, different as to each nationality, that we frequently do not understand.

Chairman WALSH. Very good. Now, directly, what would you tell the employer to do about that to remove that cause, under your plan?

Mr. MILLER. To put it briefly, I should tell the employer—

Chairman WALSH. The employer, you mean?

Mr. MILLER. The employer, rather, to put in a very much different class—a higher class, as it were—either of superintendents or of high-class men over the human element, however mixed.

Chairman WALSH. Is there any other suggestion you wish to make with respect to that industrial unrest in Paterson that you observed?

Mr. MILLER. That same proposition might be taken up by the chamber of commerce, or it might be taken up by the manufacturers.

Chairman WALSH. Is there any suggestion that you would have to make to the other workmen in the industry or to the high-class Italians themselves? Could they do anything toward ameliorating conditions?

Mr. MILLER. No; I think very little. That is the reason that I devoted so much attention to the employer.

Chairman WALSH. Yes. Well now, then, as I understand it from the evidence here, there were three organizations; the American Federation of Labor, represented at this hearing by a witness, Mr. Morgan, and two types of an industrial organization known as the Industrial Workers of the World. Now, would you give to those organizations—have you any plan that you would give to them as organizations to do away with that cause of industrial unrest, to wit, the amalgamation of the high-class Italians with the criminal classes?

Mr. MILLER. No.

Chairman WALSH. There is nothing you could say to the workers about that?

Mr. MILLER. No, sir.

Chairman WALSH. Now, you stated another cause. The other cause was that there were certain Jewish manufacturers who exploited labor unnecessarily?

Mr. MILLER. Yes.

Chairman WALSH. That is to their own economic advantage and to the hurt of the worker?

Mr. MILLER. Yes, sir.

Chairman WALSH. How many of them were there?

Mr. MILLER. I haven't any idea; I haven't been over here for six months.

Chairman WALSH. You said certain Jewish manufacturers. Are there any other manufacturers that do that?

Mr. MILLER. Why, I rather think there are.

Chairman WALSH. But it just struck you that there were certain Jewish manufacturers that exhibited the characteristics of greediness?

Mr. MILLER. Yes.

Chairman WALSH. And ignorance?

Mr. MILLER. Yes. In other words, the Jewish manufacturers, the principal class I have in mind, are not really manufacturers, but normally trade people; and when they go into manufacturing, at first, until they learn a whole lot, the tendency is to exploit their labor beyond the proper point.

Chairman WALSH. That is to take advantage of everything that there is surrounding them in the industry within the law to make money?

Mr. MILLER. Yes, sir.

Chairman WALSH. Do you notice any difference between a Jewish manufacturer and a Yankee or a Donegal peddler in that respect?

Mr. MILLER. I will say that I have seen some scientific exploitation in New England.

Chairman WALSH. They simply don't do it quite so well?

Mr. MILLER. No; they don't do it quite so well.

Chairman WALSH. It is shocking to the average mind?

MR. MILLER. It certainly is. Now I will say in Lawrence there are people I represented telegraphed down and wanted to know if I hadn't joined the I. W. W.

CHAIRMAN WALSH. Do you know Mr. Robert Valentine, of Boston, who calls himself an industrial engineer?

MR. MILLER. No; I do not.

CHAIRMAN WALSH. And who has apparently done a great deal of work at the Plympton Press and other places?

MR. MILLER. Oh, yes; I remember.

CHAIRMAN WALSH. Do you believe that it is possible to democratize industry; that is, to establish organizations of employers and workers so that each will have a compelling voice under the present industrial system in the matter of hours, labor conditions, employment, and compensation? Is such a thing possible in your opinion as an expert?

MR. MILLER. I should not say it was practicable at present with our knowledge of human relations in industry. The science of human relations in industry—we have built up such tremendous units so rapidly that we can not look for any ideal conditions, I do not think, for some time to come.

CHAIRMAN WALSH. I am not trying, and perhaps I misled you, but I am not trying to state what I deem to be an ideal condition; but, as I understand, Mr. Valentine, who is engaged in a somewhat similar work, his proposition is to democratize industry in the way I have stated—I have tried to state it as sharply as I could—to democratize industry by establishing organizations of employers and workers so that each will have a compelling voice under the present industrial system in the matter of hours, labor conditions, employment, and compensation. Can such a thing be done according to your opinion as an expert?

MR. MILLER. No; I don't think so.

CHAIRMAN WALSH. Now, you say as you developed the mentality of an employee he becomes harmonious and less subject to fatigue. Did I get you right?

MR. MILLER. Yes; the greater interest he takes in his work the more harmonious the action of his body.

CHAIRMAN WALSH. Does he do more or less work?

MR. MILLER. He does more work and does it more easily.

CHAIRMAN WALSH. That is, he does more work and does not get as tired as he did before?

MR. MILLER. Yes.

CHAIRMAN WALSH. He lifts the same load?

MR. MILLER. Yes.

CHAIRMAN WALSH. And makes the same motions?

MR. MILLER. Yes.

CHAIRMAN WALSH. And still don't get tired?

MR. MILLER. Still don't get as tired.

CHAIRMAN WALSH. Because he is a more harmonious man?

MR. MILLER. No, the body works more harmoniously. There is no retardation.

CHAIRMAN WALSH. Is that a development of efficient management?

MR. MILLER. Yes.

CHAIRMAN WALSH. Do you make a study of motions?

MR. MILLER. I never have made a time study of motions in my life.

CHAIRMAN WALSH. Do you think that discontent on the part of the worker comes partly from bodily fatigue?

MR. MILLER. Partly from bodily fatigue and partly from want of proper use of the brain or the proper interest of the brain.

CHAIRMAN WALSH. Now, if I understand you, and I want to see if I do understand you, if a man's brain is highly developed and if he has an intelligent mind he accomplishes the same amount of work with less effort and therefore does not become fatigued.

MR. MILLER. He does not become fatigued to the extent——

CHAIRMAN WALSH. (interrupting). To the extent that he did before?

MR. MILLER. Yes, sir.

CHAIRMAN WALSH. So that is the point. So it is a matter of the general education of the worker?

MR. MILLER. Yes, sir.

CHAIRMAN WALSH. And do you find now that the schools that are maintained by the public are not educating workers in a proper way for the life

which they are to lead to make them happiest by enabling them to do their work most easily?

Mr. MILLER. I don't think they are.

Chairman WALSH. Now, you told of an experiment you made with certain Italians. How many did you take?

Mr. MILLER. I started with 10 and ran up to 150.

Chairman WALSH. How long did you continue the operation?

Mr. MILLER. The operation was extended—well, the first operation was about two months. Then afterwards it was moved from a railroad to a construction of an irrigation works or waterwork, and it was continued over there about three months, if I remember rightly.

Chairman WALSH. Now, how many men did you have for the first experiment?

Mr. MILLER. The first operation 10 men only.

Chairman WALSH. And the next operation?

Mr. MILLER. In the waterworks part I worked up from 10 to 150.

Chairman WALSH. Did you keep the same 10 you had the first time?

Mr. MILLER. I kept the same 10 I had the first time.

Chairman WALSH. Now, take those 10 alone, you had them for six months?

Mr. MILLER. Yes—or about five months, I think it was.

Chairman WALSH. And you say you applied a certain experiment to them and found them to be much improved and better men at the end of the experiment than at first?

Mr. MILLER. Yes, sir.

Chairman WALSH. What were the defects you found in them at first?

Mr. MILLER. In their original state, as I took them out of the gravel pit, in watching them very closely and analyzing their motions very closely I discovered they were making anywhere from 6 to 20 false motions to 1 really effective motion. That is, as nearly as I could analyze their occupation they were principally watching the foreman with his pick handle rather more interestedly than they were the proposition of getting that gravel into the car.

Chairman WALSH. Were they shovelers?

Mr. MILLER. Yes; they were shovelers.

Chairman WALSH. During all the time of the experiment?

Mr. MILLER. Yes; well, no; on the other work they became drivers, and for a time handled wheel scrapers.

Chairman WALSH. But they were ordinary laborers to begin with and when they got through they were ordinary laborers?

Mr. MILLER. Yes; the idea was to take the lowest form possible of labor work.

Chairman WALSH. What other defect did you notice when you started your experiment besides taking so many motions to accomplish the work?

Mr. MILLER. Well, I didn't think they were fed properly. They didn't look—they were overcrowded in the bunk houses and didn't get or rarely got a chance to take their clothes off; used to tumble into bed with their clothes on principally; and sometimes they would tumble into their beds wet, and that sort of thing. There were no accommodations for drying their clothes or taking such sanitary steps as might be necessary.

Chairman WALSH. Anything else?

Mr. MILLER. And they were generally afraid—had no confidence in the system under which they were working. Their whole idea was to get their \$2.50 a day and not get hit with the pick handle and to get away with it.

Chairman WALSH. What were they eating at the time you began the experiment?

Mr. MILLER. Well, they were eating meat and beans of a quality mostly uncooked.

Chairman WALSH. Was it provided by the commissary?

Mr. MILLER. Provided by the regular railroad commissary.

Chairman WALSH. And not properly cooked?

Mr. MILLER. No.

Chairman WALSH. Now, after you took them in charge did you change their diet?

Mr. MILLER. I did change their diet.

Chairman WALSH. What did you give them?

Mr. MILLER. Gave them meat and potatoes and peas and beans—properly cooked—well cooked—as well as I ate myself.

Chairman WALSH. And gave them decent living conditions?

Mr. MILLER. I gave them decent living conditions that I thought were normal.

Chairman WALSH. Did you study their personal habits as to whether they used liquor to excess?

Mr. MILLER. Yes, sir.

Chairman WALSH. And did they, to begin with?

Mr. MILLER. No; they did not use liquor—that particular crowd did not—

Chairman WALSH (interrupting). Did they have families?

Mr. MILLER. Not with them.

Chairman WALSH. Did you inquire into their home surroundings?

Mr. MILLER. Not very extensively. Most of their families lived in Italy.

Chairman WALSH. Did you pick them out with respect to age?

Mr. MILLER. No; I did not; simply picked out 10 men.

Chairman WALSH. Young and old?

Mr. MILLER. Young and old, just as they stood.

Chairman WALSH. And did you inquire into what they desired to do afterwards, as to whether any of them wanted to go into other and higher employment?

Mr. MILLER. Oh, yes; yes, sir.

Chairman WALSH. So the 10 you picked out were reasonably ambitious?

Mr. MILLER. No; I did not inquire into their ideas and surroundings until after I picked them out.

Chairman WALSH. But there were 10 you kept all the way through?

Mr. MILLER. Yes.

Chairman WALSH. Now, I believe you stated they were men of good personal habits to begin with?

Mr. MILLER. Yes.

Chairman WALSH. You don't know what their home surroundings were?

Mr. MILLER. No, sir.

Chairman WALSH. But they made too many motions in their work?

Mr. MILLER. Yes.

Chairman WALSH. And were not fed properly?

Mr. MILLER. No.

Chairman WALSH. And did not have sanitary surroundings as to health?

Mr. MILLER. No.

Chairman WALSH. Now, you gave them these?

Mr. MILLER. Yes, sir.

Chairman WALSH. And at the end of the six months what did you find out about that?

Mr. MILLER. Why, I found out that they were improved physically; that is, if you notice—if you have ever been in industrial towns—you go into a town where there is a great deal of exploitation and you will see a great deal of difference in the carriage of the men.

Chairman WALSH. In other words, that they walk straight up?

Mr. MILLER. Yes; walk straight up, with their heads in the air.

Chairman WALSH. These men were improved physically?

Mr. MILLER. Yes, sir; improved physically, and they were improved mentally. They showed a clearer conception and higher intelligence of their surroundings, and improved in every way possible and in their expression and in their confidence in the general surroundings. I never saw —

Chairman WALSH (interrupting). You mean by expression their bodily expression?

Mr. MILLER. Yes; both their bodily expression —

Chairman WALSH (interrupting). And their mental attitude toward their surroundings?

Mr. MILLER. And their mental attitude toward their surroundings.

Chairman WALSH. Now, you say you did not inquire when you went into this as to their desires and ambitions?

Mr. MILLER. No.

Chairman WALSH. What they hoped to be or do?

Mr. MILLER. No.

Chairman WALSH. Or what their family relations were?

Mr. MILLER. No.

Chairman WALSH. Or what they hoped they should be?

Mr. MILLER. No.

Chairman WALSH. When you took them out did you inquire as to any part they took in community life, or did they have any?

Mr. MILLER. They had no community life.

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Chairman WALSH. After they got through were they in a place where they could give expression of community life, as, for instance, pride in the State or county—

Mr. MILLER. No; they were still on the frontier on this waterworks.

Chairman WALSH. Or to any desire to improve their conditions by law or to study the laws of the country or anything of that sort?

Mr. MILLER. Simply that they were taking an interest when they got through in the farms and the surrounding farming conditions and that sort of thing, and made a great many inquiries of me. I used to talk to them a good deal.

Chairman WALSH. Got acquainted with them?

Mr. MILLER. I got very closely acquainted with them, because I was interested in the experiment and wanted to see what the result would be; and generally the tendency was to find out if I could advise them in any way by which they could acquire land and about going into farming. That seemed to be their particular tendency.

Chairman WALSH. And when during that six months did you get that first expression that they desired or might desire to become farmers?

Mr. MILLER. Well, about—I should say this was perhaps a month after we got into Utah.

Chairman WALSH. This was in Utah—now, then, at the end of your experiment they showed a desire to find out about conditions that surrounded them?

Mr. MILLER. Yes, sir.

Chairman WALSH. And they looked better physically?

Mr. MILLER. Yes, sir.

Chairman WALSH. Now, what else?

Mr. MILLER. They were more intelligent. I will say that I ran that up to the 150 men and had no foremen.

Chairman WALSH. Well, these 10 men, what were they getting when they started?

Mr. MILLER. \$2.50 a day.

Chairman WALSH. What did they get when they finished?

Mr. MILLER. \$2.50 a day.

Chairman WALSH. After you eliminated these motions did they shovel more gravel and do more work?

Mr. MILLER. Yes; they did fully twice as much.

Chairman WALSH. Now, what became of them—of the whole 150?

Mr. MILLER. Well, that I don't know.

Chairman WALSH. Did they go into other industries?

Mr. MILLER. They went into other industries.

Chairman WALSH. What about the first 10?

Mr. MILLER. Some of the first 10, I understood afterwards, stayed in Utah and went to farming; but what the others did I never—

Chairman WALSH. You don't know?

Mr. MILLER. No.

Chairman WALSH. And did you do this for some company or just do it yourself?

Mr. MILLER. This experiment?

Chairman WALSH. Yes, sir.

Mr. MILLER. That was purely a personal experiment, while I was chief engineer of these works. I was carrying on this experiment.

Chairman WALSH. You have stated, have you, Mr. Miller, all of the causes, now, of the industrial unrest that you have observed during your visits to these various places? You have given us, so far as you can give in language in this length of time, any plans that you might have for allaying some of this industrial unrest?

Mr. MILLER. As far as I can think of at the present time.

Commissioner WALSH. If there is anything else you desire to state voluntarily or any explanation that you wish to give of your testimony, you may do so?

Mr. MILLER. There is nothing else that I think of.

Chairman WALSH. Just a moment. Did you ever employ other persons or have anything to do with employing other persons while the strikes were in progress at any of the places where you have worked?

Mr. MILLER. No, sir.

Chairman WALSH. Did you advise employers where and how they could employ men and the circumstances under which they could get them to go into the work and feel satisfied therewith?

Mr. MILLER. That problem has been discussed.

Chairman WALSH. Well, did you give advice on that?

Mr. MILLER. Yes, sir; we have discussed that problem.

Chairman WALSH. Well, did you give advice on it?

Mr. MILLER. Yes.

Chairman WALSH. As an expert?

Mr. MILLER. Yes, sir; as to the quality of men desired.

(Witness excused.)

TESTIMONY OF MR. ALEXANDER SCOTT.

Mr. THOMPSON. What is your name?

Mr. SCOTT. Alexander Scott.

Mr. THOMPSON. Please give us your address.

Mr. SCOTT. 541 Forty-seventh Street, Brooklyn.

Mr. THOMPSON. Were you formerly editor of the Paterson Daily Issue?

Mr. SCOTT. Paterson Weekly Issue.

Mr. THOMPSON. When were you editor of that paper?

Mr. SCOTT. From February 1, 1913, until August 10, or until the first or second week in August.

Mr. THOMPSON. That is, during the time of the strike here?

Mr. SCOTT. Yes.

Mr. THOMPSON. What work did you do prior to that time?

Mr. SCOTT. I worked as a free-lance newspaper man.

Mr. THOMPSON. In the East here?

Mr. SCOTT. Yes; around New York City.

Mr. THOMPSON. Have you been a newspaper man for some time?

Mr. SCOTT. About four years.

Mr. THOMPSON. And is that now your business?

Mr. SCOTT. Yes, sir.

Mr. THOMPSON. What sort of a paper is the Paterson Weekly Issue?

Mr. SCOTT. It was the official organ of the Socialist Party of this county—Passaic County—owned by the party, and I was the official editor, paid by the Socialist Party of Passaic County.

Mr. THOMPSON. How long had it been in existence?

Mr. SCOTT. I started the paper known as the Weekly Issue. It previously had been published as the Issue of Passaic, a monthly paper, and it had been suspended.

Mr. THOMPSON. For how long?

Mr. SCOTT. Oh, I don't know; suspended some five or six months; and then they resurrected the paper as a weekly and brought me from New York to take charge of it.

Mr. THOMPSON. Is it now in existence?

Mr. SCOTT. No.

Mr. THOMPSON. Did it die with you—

Mr. SCOTT (interrupting). No; after I left; I think it suspended about two months ago.

Mr. THOMPSON. Was it a paper that was brought into existence at the time of the strike?

Mr. SCOTT. No. In fact we didn't know anything about a strike when the paper was started. The strike broke out just about the time the paper started.

Mr. THOMPSON. Then between the starting of the paper and the starting of the strike there was no connection excepting the one of time?

Mr. SCOTT. No; no connection at all.

Mr. THOMPSON. Were the aims and objects of that paper of course the aims and objects of the Socialist Party?

Mr. SCOTT. Yes; the propaganda of socialism and the giving of Socialist news.

Mr. THOMPSON. And during the progress of the strike your paper published locals relating thereto?

Mr. SCOTT. Oh, yes; we did that with the strike more than anything else, because that was more news than anything else we could think of at the time.

Mr. THOMPSON. Now, during the course of that strike and the articles you printed, did anything happen to you?

Mr. SCOTT. Oh, yes; a great deal happened to me.

Mr. THOMPSON. Were you arrested?

Mr. SCOTT. I was arrested three distinct and separate times.

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MR. THOMPSON. What was the first time you were arrested and what was the reason for the arrest?

MR. SCOTT. I was arrested, charged with inciting hostility to the government of the city of Paterson. That indictment was based upon pictures, headlines, and an editorial that I wrote criticizing the chief of police and his officers and the entire city government for their action in the strike.

MR. THOMPSON. Was this editorial and the article and the pictures set out in the indictment or connected with it?

MR. SCOTT. Yes.

MR. THOMPSON. Were they specified?

MR. SCOTT. Yes.

MR. THOMPSON. Have you those articles here?

MR. SCOTT. I have.

MR. THOMPSON. Would you be willing to file them with the commission?

MR. SCOTT. Yes.

MR. THOMPSON. Please do so.

MR. SCOTT. I have a complete file of the Issue here as a matter of fact.

MR. THOMPSON. Well, just those articles now for which you were first indicted.

MR. THOMPSON. Were you tried on that indictment?

MR. SCOTT. Yes, sir.

MR. THOMPSON. What court did that indictment come from?

MR. SCOTT. In the court of quarter sessions.

MR. THOMPSON. Who is the judge of that?

MR. SCOTT. Abraham Klenert.

MR. THOMPSON. And who was the attorney who prosecuted the case?

MR. SCOTT. Michael Dunn.

MR. THOMPSON. And who was your attorney?

MR. SCOTT. Henry Charles, of Newark, and Henry Marelli, of Paterson.

MR. THOMPSON. Was it a jury trial?

MR. SCOTT. Jury trial, yes, sir.

MR. THOMPSON. What was the result of that trial?

MR. SCOTT. I was found guilty as charged.

MR. THOMPSON. And what was the sentence, if any?

MR. SCOTT. From 1 to 15 years hard labor.

MR. THOMPSON. Were you put in prison under that charge?

MR. SCOTT. I went to jail for a short time pending appeal.

MR. THOMPSON. When you were arrested under the indictment, were you put in jail?

MR. SCOTT. I was arrested in a hall here where a meeting had been held, taken to the police station and locked up there, and held uncommunicado until morning.

MR. THOMPSON. What time were you arrested in the day?

MR. SCOTT. At night about 10 o'clock.

MR. THOMPSON. What you mean is that you were not permitted to communicate with anybody until morning?

MR. SCOTT. No. Nobody was allowed to see me.

MR. THOMPSON. And when were you permitted to see anyone?

MR. SCOTT. In the morning when I got up and pleaded and furnished bail.

MR. THOMPSON. Did you appeal that case?

MR. SCOTT. Yes; it was appealed.

MR. THOMPSON. To what court was it taken?

MR. SCOTT. Supreme Court of New Jersey.

MR. THOMPSON. And has that court decided on the case yet?

MR. SCOTT. The court decided in my favor.

MR. THOMPSON. When next were you arrested and what was the charge?

MR. SCOTT. I don't remember the exact date, but I can soon give it to you.

It was about a month afterwards. I was arrested—

MR. THOMPSON (interrupting). I forget—did I get the date of your first arrest?

MR. SCOTT. Yes; February 28 was the first one.

MR. THOMPSON. And this next was along about the latter part of March?

MR. SCOTT. Yes, sir.

MR. THOMPSON. On what charge then were you arrested?

MR. SCOTT. Criminal libel.

MR. THOMPSON. Criminal libel.

MR. SCOTT. Based upon an editorial in which I accused the four police officers who confiscated 5,000 copies of my paper without a search warrant of

being thieves and intimating that a certain individual had something to do with the transaction. This certain individual——

Mr. THOMPSON (interrupting). Did you name him then in the paper by name?

Mr. SCOTT. In the editorial I mentioned a name. I would not care to just say that now. I would rather read the editorial, because I am under indictment on that same charge now.

Mr. THOMPSON. Then you may just file that editorial with the commission, if you like.

Mr. SCOTT. All right.

Mr. THOMPSON. And that case has not been tried in the lower court yet?

Mr. SCOTT. No; it has not been tried.

Mr. THOMPSON. You will file that editorial?

Mr. SCOTT. Yes; I will. I haven't it here, but I will file it for you later.

Mr. THOMPSON. Have you got a copy of the indictment?

Mr. SCOTT. Not here. I can very readily get you one and send it.

Mr. THOMPSON. Well, will you please get copies of all your indictments?

Mr. SCOTT. Yes.

Mr. THOMPSON. When were you next arrested and what was the charge then?

Mr. SCOTT. I was arrested then in July, charged with criminal libel for having printed some affidavits setting forth that a police officer in Paterson named Love had brutally attacked several people. I published the affidavits of these people and also the affidavits of a veterinary surgeon in Paterson called Dr. Cooper. Dr. Cooper had preferred charges against Love to the police commissioners. The police commissioners had done nothing and Dr. Cooper had charges brought against this Policeman Love of atrocious assault. I published a news article covering that and referred in a subhead line to Policeman Love as a drunken Cossack type of policeman, and he brought a charge of criminal libel against me.

Mr. THOMPSON. Have you a copy of that article with you?

Mr. SCOTT. Yes; I have a copy of all those articles.

Mr. THOMPSON. So you will furnish us also with a copy of them?

Mr. SCOTT. Yes, sir.

Mr. THOMPSON. You were indicted on that charge?

Mr. SCOTT. Yes, no I was not indicted. I was arrested and had to furnish bail. So far as I know I have not been indicted on that charge, but I had to give bail.

Mr. THOMPSON. What was the charge upon which you were arrested and caused to give bail?

Mr. SCOTT. Three of them.

Mr. THOMPSON. But this last case?

Mr. SCOTT. Oh, the last case was only about three weeks ago.

Mr. THOMPSON. But there was no indictment there?

Mr. SCOTT. That was another indictment based upon the same editorial and same article which the supreme court had decided to throw out in the other case, of hostility to the government.

Mr. THOMPSON. Just to go back to this third case. As I understand, you say you were arrested for charging a certain police officer with certain things?

Mr. SCOTT. Yes, sir.

Mr. THOMPSON. But were not indicted in that case?

Mr. SCOTT. Not as far as I know.

Mr. THOMPSON. What were you arrested for? What did the warrant charge you with?

Mr. SCOTT. The warrant charged me with criminal libel.

Mr. THOMPSON. Were you tried on that case?

Mr. SCOTT. No.

Mr. THOMPSON. Was the case dismissed?

Mr. SCOTT. Not that I now of.

Mr. THOMPSON. And that case is still pending in court?

Mr. SCOTT. Still pending, and we don't know anything about it.

Mr. THOMPSON. What court was that in?

Mr. SCOTT. Well, it went to a justice of the peace court, as a matter of fact.

Mr. THOMPSON. Who was the justice?

Mr. SCOTT. I really forgot his name; at the corner of Market Street and Main

Mr. THOMPSON. Can you get that name and furnish it to the commissioner?

Mr. SCOTT. Yes, sir; I have all these things.

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Mr. THOMPSON. You are out on bail now in that case?

Mr. SCOTT. Yes.

Mr. THOMPSON. What other charges were you arrested on, if any; I believe you stated in the beginning, three?

Mr. SCOTT. That is all, three; and a fourth one.

Mr. THOMPSON. A fourth one?

Mr. SCOTT. Yes, sir; last month; brought by Chief Rimson, charging criminal libel, based on some articles that the charge of hostility to government had been based on.

Mr. THOMPSON. In the first arrest?

Mr. SCOTT. Yes.

Mr. THOMPSON. It does not include the last two articles of criminal libel?

Mr. SCOTT. No.

Mr. THOMPSON. Were you arrested in this last matter?

Mr. SCOTT. Yes.

Mr. THOMPSON. And under indictment?

Mr. SCOTT. Yes.

Mr. THOMPSON. Were you put in jail?

Mr. SCOTT. Yes.

Mr. THOMPSON. How long did you stay?

Mr. SCOTT. I had to stay in jail four hours, until bail was secured, bail of \$500.

Mr. THOMPSON. And you are out on bail in that case now?

Mr. SCOTT. Yes.

Mr. THOMPSON. Where were you at the time you were arrested on the last charge?

Mr. SCOTT. I voluntarily came to Paterson. I was arrested in Paterson. I was notified by my attorney to come here, and I did it.

Mr. THOMPSON. Is there anything further, Mr. Scott, that you wish to say in regard to your matters, or anything else?

Mr. SCOTT. Yes. I was going to first of all read this, but I don't think you want me to. I have here a diary of the strike. This is my own personal diary. I did not get it up for this commission. I got this diary, and it is based upon news items in my own paper, from February 1 until August 2, and the important items, in my opinion, the things that I wanted to get down here I put down here with notes as to where they can be found in my paper.

Chairman WALSH. Would you file that with the commission, that document you have?

Mr. SCOTT. I could file this, but I would rather have it read, if possible.

Chairman WALSH. How long is it?

Mr. SCOTT. It is not long, it will take about eight minutes to read it.

Chairman WALSH. Go ahead.

Mr. SCOTT. This is a personal diary, and I shall, if you wish me to, in any case, I shall read the article described here.

Chairman WALSH. Does that document you hold in your hand describe the articles in some way by which they can be identified?

Mr. SCOTT. Yes, they can. But all of these papers, I am afraid, I can not file with the committee, because these are my personal property; it is my personal file, and it is the only file I have, and I desire to keep it. However, I shall give the committee all of the extra copies I have, and probably the committee can get a complete file from Socialist headquarters. I shall find out.

(Mr. Scott submitted copies of the Weekly Issue (Passaic, N. J.) of February 1, 22, 28, March 8, 22, April 5, 12, 19, 26, May 3, 17, 24, July 19, 26, and August 2 and 16, 1913.)

The strike started about February 1. Before the strike had spread at all, it broke out in the Doherty mill. The police officials of this city had declared officially in the newspapers that they intended to nip the strike in the bud. They boasted of that fact. The general strike was declared on Wednesday, February 19, at Turn Hall. On Tuesday, February 26, was the day that the vicious attack was made upon the strikers for which I was convicted. Six thousand strikers were out by that time, because of the fact that arrests had been made. Thus the workers' ranks were solidified and, meeting in Turn Hall that day in the afternoon, about 5,000 workers left after the meeting and were proceeding in a peaceful manner, two abreast, along the sidewalks of the city of Paterson, when they were attacked by the police in a brutal and cowardly manner. This is just the article in my paper. Without warning, Flynn, Treska, Quinn, Kaplan were seized by the police when they marched from the hall and asked to either get out of town or be locked up. They refused to

leave town, maintaining that, as citizens of the United States, they had a right to go to any town they pleased and stay as long as they liked, providing they did not break any law. They were immediately locked up. All the halls were then ordered closed, and arrests were made on the slightest pretext. It was this, the trampling down of all constitutional rights, that caused me to publish that particular issue of my paper and denounce the police for doing so.

This is the heading that got me convicted: "Shall Police Chief Bimson override Constitution?" The Constitution was overridden, not only then, but later. And so I denounced that continually, and always shall denounce lawlessness. The Socialist Party had decided to come into this fight; the strikers could not hold meetings anywhere. They were forbidden. And the Socialist Party decided to hire the biggest hall in town, which they did for the Friday evening, and I made arrangements to get out a special edition of my paper—the weekly issue—for the same day.

On February 26 or 27—that was the day after, the following day—Wilson B. Killenbeck, State secretary of the Socialist Party, mounted the platform in strikers' headquarters where a considerable number of strikers were congregated and proceeded to read the New Jersey constitution relative to free speech, when he was ordered to desist by the police chief who, with a squad of his men, had entered the hall. Killenbeck was placed under arrest, and the chief mounted the platform and proceeded to read the riot act in all its ancient glory. He read every word of it, even to the last "God save the King." I remember that very distinctly.

We arrived at the police station. Chief Bimson asked Killenbeck what was the strange law that he had been reading, and Killenbeck replied, "Why, Chief, that is the constitution of New Jersey. Did you never hear of it before?" The chief evidently considered himself judge and jury, as well as policeman, so he discharged Killenbeck.

The Weekly Issue came off the press on February 28, in the morning. Dr. Korshet, in the doctor's automobile, took 5,000 copies of this paper to Paterson. We intended to distribute them free, if necessary. The price of the paper was 2 cents. We deposited these 5,000 copies in the headquarters of the Socialist Party, which was then on Main Street, about half past 10, and left. A few minutes after—say 15 or 20 minutes—four policemen entered headquarters and demanded the papers from two members of the Socialist Party who were then present. The two members protested and denied to give the papers, refused them. Whereat, one of the policemen—a police detective—in order to feel quite sure, sent one of his assistants over to the chief to find out if they really should take these papers, and his assistant came back in a few minutes and said: "Yes; take them; the chief says it is all right." So they took them forcibly and without a search warrant.

Later, I charged these four policemen with theft. They were not indicted, however; they had to furnish \$200 bail apiece for grand larceny; but they have never been indicted, so far as I know.

On the same day a bench warrant was issued for my arrest and detectives were sent to Passaic and Paterson and elsewhere to look for me. I passed them several times in Passaic, because they did not know me from Adam. I am not a native Patersonian. I am from New York. They had never seen me before, and they went to Passaic to look for me without knowing who I was or what I looked like, so they could not find me, and I had no intentions of letting them find me just then, for I wanted to go to the meeting at night, which I did.

I was the last speaker at the meeting. There were about, I should say, 8,000 people present. I was up on the platform as the last speaker, and I read this article for which the warrant had been issued, and when I got through I was put under arrest by these two detectives and was taken to the police station through the streets with a jeering crowd of strikers of about 3,000 following me. They were jeering at the policemen; not me.

Needless to say, of course, when the crowd got down to the police station they were quickly dispersed by a bunch of Paterson's finest. I was locked up for the evening and all night. And I was, as I say, held *incommunicado*. State Secretary Killenbeck tried to get in to see me with a message, but they would not allow him in. Dr. Korshet tried to get in, but they would not allow him in. Yet a fellow in the next cell from me, charged with theft or burglary, or something like that, was allowed to have visitors come in to see him.

In the morning I had to furnish \$2,000 bail, which was an increase of \$1,000 over what had been decided the night before. Police Recorder Carroll decided that \$1,000 extra should be put on.

From this time on arrests were made by the wholesale. I think that Mr. Marelli can give you more particulars about the actual arrests than I can. I have not kept a record of them. In some instances as high as 45 and 50 and 100 have been arrested at once on the slightest pretext. And many people were threatened with arrest for merely having a copy of my paper in their possession. Some copies happened to get around—that is, some few copies that the police did not confiscate—and those that were fortunate enough to have a copy of that innocent little paper had to go into the cellar and such places as that to read it.

Four men were charged with inciting hostility to the government of the city of Paterson for merely having this paper in their possession. These men were charged on the same indictment as myself. They were later taken off. I think, if the information is required, it will be found on the record. Those men's names will be found on the record. I don't remember them, because they are foreign names, and anyway Mr. Marelli can furnish that information.

Another man was arrested and taken to the police station because he refused to throw his issue away. He had it in his pocket. Another news dealer up here a little bit up the street—I won't mention him, because he will get into trouble again—every time he showed an issue or left an issue with his other papers one or more of these policemen would come along and ask him what he was doing with "that God damned sheet in there. Take it out." He was continually intimidated, kicked, and so on and so forth. These are facts.

Just to show you how far they had gone in this particular, how great the despotism was in Paterson at that particular time, several people were arrested who did not live in Paterson at all. They were arrested on suspicion of being strikers. A prominent artist's wife was arrested in Paterson here. She had come in here on a visit, and in order not to have publicity she gave a fictitious name.

Another man I know—I met him just when he came out of jail—had to serve 30 days in the Paterson jail, charged with unlawful assemblage or inciting a riot, or something else. He didn't know exactly what. He was not a silk worker. He was not a Patersonian. He came over from New York. He was a tailor and had come from New York to Paterson to look up an old friend and happened to be standing on the edge of the sidewalk when he was run in.

And many other cases like that. Jack Reed, the writer, was sent to jail for being "sassy" to a policeman who came along and jabbed him in the ribs and told him to make himself scarce, and so on and so forth.

Scores of innocent young girls were thrown into jails, there to mingle with hardened criminals. I have photographs of some of the girls who were in jail—young girls ranging from the age of 15, 18, and 20 years.

By March 8 there were 20,000 strikers out, and these strikers, I maintain, were brought out more because of the hostile acts of the police and the government than anything else.

Arrests continued. The local papers misrepresented the strikers, all of them. They accused the strikers, or the strike leaders, of throwing stones into windows, attempting to blow up the city hall, and all that sort of thing; and I have a news item here taken from the Paterson morning paper, where it tries to show how vicious the strikers are, and how they took the part of the policemen of Paterson, who rushed up and down the hill on horses, meeting shower after shower of stones from the strikers, and imagine, this article goes on to say how these policemen had to fight against women with children clinging to their skirts and hanging round their necks, who rushed at them. Imagine a woman with a child at her breast and three or four around her skirts, rushing at a policeman. Poor, big Paterson policemen. Poor fellows.

Chairman WALSH. Be in order. Order in the room.

Mr. SCOTT. I can read you this article. I have it on file. That attack—that was another attack that was made that I just described, where the morning Paterson paper described it. That was near the end of the strike, and at that time the National Silk Dyeing Co.'s automobile was used by the city of Paterson, by a police patrol, showing how closely knitted the silk interests and the government of Paterson are. And, in fact, that is why I got into trouble more than anything else, because I constantly maintained that the silk industry of Paterson, the silk manufacturer, and the city government of Paterson were one and the same thing, and were very hostile to the strikers.

The town was swarming at this time with O'Brien and other detectives, gunmen who insulted women and attacked men and incited to violence, and it is a remarkable thing that the strikers actually did remain so passive. They had every incentive to become violent.

I remember coming along past the strikers' headquarters one day, headquarters which they had been forced to hire, because they could not hire a hall. They themselves got a lease of an old estate that had big grounds and a couple of little houses, and they used the houses in the daytime for their headquarters and the grounds at night for meetings. I remember passing there one day in the afternoon, and, I would say, about 200 or 300 strikers were congregated around their headquarters, in the yard which they rented and around the house in front of the house, and three, four, five, or maybe a few more were on the sidewalk, but certainly not impeding the traffic of any pedestrian, when two policemen came along and ordered them to move, "to get in there." They spoke to them as though they were dogs; and then these two policemen met a sergeant, I believe it was Sergeant Ryan, I am not sure, who came back with them, and he, too, joined and ordered the strikers to get off the sidewalk, which the strikers very readily did, because the policy of the strikers all during this strike was to fold their arms and keep their hands in their pockets, and, no matter how they were incited to violence, not to commit any violence. That was their policy. And so they got up very peacefully off the sidewalk and began to discuss this thing. When three or four hundred men talk together, even though they whisper, it makes a murmur, and the police sergeant heard this murmuring, and he immediately turned back again in a threatening manner, and he said, "If you don't like it, just start something."

That happened every day. They were always asking them to start something. There was enough strikers there to kill three times the number of policemen if they had been as violent as the Paterson papers said they were.

Here is a case of a woman who was beaten up by a policeman named Duffy. I have a photograph of this woman with a bandage around her neck. She was punched on the breast, knocked down, her head thrown against the wall, and she was laid up in bed.

Another woman that I know of, and a photograph of whom I have, a woman about eight months' pregnant, was pushed in the abdomen very roughly by a policeman, and knocked down. She was taken home and had a hemorrhage immediately afterwards. She had gone simply to plead with the policeman not to arrest her husband.

I have these cases and I shall certainly file those with the commission.

On March 30 there were 25,000 people on strike by this time and their meeting on the baseball grounds took place. That was broken up. I have a photograph of that. The Constitution was certainly trampled down. The workers had driven to Haledon and they went to Haledon, and it was at that time that Haywood and Lessig were arrested on a charge of unlawful assemblage, and railroaded by Police Recorder Carroll to six months in jail. That decision, most of you will remember, was overruled by Supreme Court Justice Minurn.

On April 19 a strike sympathizer by the name of Modestino, a man who used to invite one or two of the strikers in at a time to have a cup of coffee or a bite of lunch, was shot and killed; shot in the back and killed by an O'Brien detective in the presence of his wife. That O'Brien detective was arrested, and is now free.

Chairman WALSH. Was he tried by a jury and acquitted?

Mr. SCOTT. He was never indicted. O'Brien men held up in the week of April 19 and beat up and took circulars from three or four young men who had gone to Passaic announcing an athletic exhibition. They were mistaken for strikers announcing a meeting. The circulars were thrown in the river without being read. This happened three times in and around Passaic. Men were held up.

The Garfield citizens signed resolutions of protest against those gunmen who were swarming their town and threatening pedestrians and insulting women. They took these resolutions they had signed to the Garfield officials, who had at that time, two of them, extended their vacations—they had left town and they could not present the resolutions. My opinion is that they left town in order to avoid responsibility.

On April 26 Treska, Flynn, Quindan, and Lessig were indicted on charges preferred at the first police outbreak. At that same time an American Federation of Labor meeting was held in the armory, in which the workers decided to continue their affiliation with the I. W. W. In that same week the Modestino funeral was held, and there was 15,000 in line.

On May 3 there was another holdup in Passaic. Three men, with circulars announcing Socialist meetings, were held up at the point of a gun and the circulars taken from them. One man, badly beaten up, was attended by Dr. Korshet. I was there when he came in with a broken head.

Chief Hendry, of Passaic, pretended ignorance, and failed to do anything. I saw him and had an interview with him. The number of the auto proved it to be that of O'Brien or men of the Jerry O'Brien, of the detective agency.

But Chief Hendry said he could not proceed against these people, could not do anything unless definite charges were made against the individuals in the automobile; and certainly the strikers had no means of finding out who the individuals were. I had a tiff with Chief Hendry on that account.

About this time, too, an interesting thing took place. The authorities of Paterson threatened to prevent the strikers from sending away their children to be taken care of in other cities. Mayor McBride said the city could very well take care of its own poor, and that they should come to him and not go out of the city and thereby disgrace Paterson; but when a committee called upon Mayor McBride with a batch of children, Mayor McBride had gone on his vacation or something else. He was not there that day.

For a while the halls were allowed to open, and then about the middle of May they were closed again, and wholesale arrests were made.

Recorder Carroll sentenced one girl to 60 days for smiling. She was smiling in anticipation of being released. Her lawyer had told her it would be all right—she would get off, don't worry—and so the poor girl smiled, and for smiling Police Recorder Carroll said: "I will make you smile on the other side of your face." [Witness snaps fingers.] "Sixty days."

Then another little girl in court, when she heard it, expressed her surprise and disgust by [witness makes noise with tongue similar to smacking of lips]—was given 30 days.

That gives you an idea of just how conditions really were here.

Mayor Breuckman, of Haledon, had invited the strikers to exercise the right of free speech in his borough, and ordered the Paterson detectives to leave his town, as they only incited to riot, and they left.

He said the reason there was no disorder in Haledon was because of the absence of the police. The borough of Haledon has one little bit of a policeman there, who weighs about 90 pounds, a little pink-checked fellow, and they never, at any of the big, tremendous meetings that they held in Haledon, there never was any disorder, it was always like a picnic, and it was a real joy to go there. Why, so careful were the strikers when they went there that they would not even trample on the little plot of grass that surrounded the house where the speakers spoke from. There were no policemen, consequently no disorder.

The local papers were venomous. They started to make appeals to violence, and you will have another editor here testifying. It was that editor and his paper who actually made an appeal to violence, practically murder, and also accused Haywood and all of the leaders of being crooks, big crooks, getting all sorts of money, slandering them in every particular way, and playing up all sorts of impossible stories of attempted bomb eruptions, and so on.

On June 6 I was sentenced to from 1 to 15 years.

I want to just read something here. Here is an article taken from the Paterson Call. This gives you an idea of how they attempted to mold public opinion:

"Sheriff Radcliff yesterday summoned another petit jury from which jurymen will be secured to try the remaining indictments against the I. W. W. agitators. The courts and prosecutor do not intend to take any chances in the remaining cases. The new jury is a crackerjack. Their conviction is bound to follow at the hands of any 12 men selected from this list, provided," they go on to say, of course, "the testimony warrants it."

That sort of thing appeared every day.

If I had desired to bring suits for libel, I had ample opportunity. One paper took great delight in referring to me as an anarchist, and referring to my paper as "the anarchistic sheet," or "the I. W. W. sheet"—anything but just the kind of sheet it was, and that was, a Socialist sheet. This paper continued at that until I began to refer to that paper as a terroristic sheet.

That is all I want to read from that particular paper.

Chairman WALSH. Please give us that paper, if you will, Mr. Scott, the main paper.

Mr. SCOTT. You may have that one; I have got that one.

About June 14 the Federal probe was being sought, and the things began to grow. I have made the assertion before that the strike was being purposely prolonged by the big silk manufacturers, for the double purpose of freezing out the small fry and starving the workers into submission. Several silk mills went into bankruptcy about this time. The total arrests, up to this time,

June 14, were about 2,000. The jail was overflowing, in some cases two or three in a cell. One cup for 50 or 60 men, sometimes more; one pillow for the same number of men. The cells about $4\frac{1}{2}$ by $6\frac{1}{2}$ by 7 feet, windowless. Prof. Livingston, of Columbia University, was in town this week, and with myself and another member of the party, we went around town and collected affidavits showing brutality and lawlessness, and so on, and so forth. These affidavits were presented to Congress, I understand, but Congress failed to act. On June 21, by that time arrests continued, and they were arresting them on even more ridiculous grounds. The story told of one man, the same paper that I referred to before, the morning paper, tells the story of one man being arrested because he had acted suspiciously. He was lying in a field, and when he saw a policeman approach he whistled. He was taken to jail.

These papers, although I was convicted for hostility to government because of the fact that I referred to the attack of the policemen upon strikers as though like a bunch of drunken Cossacks, the other people were never indicted for saying things just as bad about their own policemen. For instance, the *Morning Call* at one time describes an attack of policemen "like a thousand of brick," and at another time it tells a nice story of how some workmen were seen to be loitering about a shop; that is, they were walking up and down the street outside this particular mill. And this paper tells it very humorously: "Along comes Captain So-and-so, with a squad of men and a sergeant, and the sergeant looks at the captain and at the men and at the mill and said, 'Captain, isn't it about time you started something?'" I think the reporter is here who wrote that up. "'Am't it about time we started something?'" "Yes; I guess it is. That is right. 'Charge.' And they charged like a bunch of"—let me get the words right. They said "like a bunch of"—I don't know—"like a regiment of Bulgars on the Turkish frontier." That can be found on file in the *Morning Call* at Paterson.

That showed the spirit of the papers; all of the papers, with the exception of the *Issue*—that little bit of a weekly paper here that caused so much trouble—was on the side of the manufacturers and absolutely against the workers. One paper pretended to be in favor of the workers and tried to take a middle course, and, like all papers that do that, fell flat.

One June 28, 60 strikers waived the right of trial by jury, showing how fair the juries are, preferring to depend upon the fairness of the judge. And they found that it worked well. It was much better to depend upon the judge in Paterson than to depend upon a jury. So that these 60 strikers, nearly all of them, were discharged, because the judge was ashamed to convict them on the evidence.

This time Boyd was arrested for advocating sabotage, and perfectly good bail was refused—that is, bail that would be considered good by any real-estate man in Passaic County, considered good legitimate bail—and it was refused time and time again, and Boyd had to furnish a certain kind of bail. He had to furnish Pennsylvania Railroad stock.

On July 5 I pleaded to the McCabe indictment and furnished \$1,000 bail. Then I stood in court. The Miss Flynn trial was going on at the time. Patrick Quinlan, who had gone there, like myself, to listen to the trial, was suddenly grabbed while in court, manacled, and immediately sentenced. I think about eight minutes' notice was given his lawyer. He was taken to the Paterson jail all of a sudden, and the excuse given was that he had been rather severe in a speech the night before; he had criticized the judge, and the judge got sore. Judges are not supposed to get sore, but they do.

On July 13 Vincenzo Madonna was shot and killed by strike breakers. This murderer was sent to jail. I met him in jail, and I met the other fellow in jail, too. This second murderer was not indicted, either, he was freed, as well as the other.

More false arrests were made. Some of them have to be discharged simply because the cases were altogether too ridiculous.

Dunn stated that he was reading the *Weekly Issue* to see if he could not get another indictment against me. He made the statement in the press.

In one of the dye shops here that harbored strike breakers disease was found to be rampant. It was kept rather quiet. The papers said nothing about it, but I got wind of it, and I published a little story about it, and then the other papers denied it and no record could be had. But certain it was that several people were taken out of the shop and to the hospital.

A riot was started in Haledon by policemen.

A Socialist alderman in Haledon was arrested for merely asking a silk boss to observe the borough ordinance relating to profanity.

Mayor Breuckman, on July 26, was indicted for unlawful assemblage and malfeasance in office and held in \$2,000 bail. He was asked to appear in court without being given the reasons why he was to appear in court, and if a friend had not come with him who was prepared to go bail, Mayor Breuckman of Haledon would have had to go to jail until bail was secured.

This shows just how vindictive they were. The only crime Mayor Breuckman committed was that of allowing free speech in his town and welcoming the strikers to his borough.

This same week I was arrested on a charge of libel brought by Policeman Love. I had to stay in jail 24 hours.

They had in that jail, I want to say—I would like it to go down, because it has been stated in the Globe and elsewhere, that it is an ancient jail and very insanitary. They have one bathtub there—a tub, not shower, for at least 40 people. The last time I was in jail, or at least this particular time last July, I was forced to take a bath in a black iron tub, unenameled, 10 minutes after a young fellow who was suffering from a virulent case of venereal disease. I saw the young fellow, and he told me himself, and I made an examination myself also. That I escaped contracting the disease is due to luck and nothing else.

While in jail, also, I discovered that the detective, the alleged murderer of Modestino, had the privilege of getting meals sent in to him, a privilege which all of the other people were denied.

Another case, two strikers were dragged from their bed at midnight, dragged from their bed beside their wives at the point of a gun, and locked up on ridiculous charges—arrested, not by police officers, but by private detectives who were sworn in by the sheriff as deputies, men whose records were not gone into; they did not know where the came from or what they did before they came, and they did not care. They swore them in as deputies, O'Brien men. Things like that were happening right along.

Then again Quinlan was arrested on August 2 for referring to Sergt. Charles Ryan as "Bummy Ryan." Charles Ryan is a policeman who is better known by his nickname than his real name. He is bound to admit that himself. But it was simply a means of getting Quinlan into trouble again and they did. Very few people in Paterson know that this policeman's name is Charles at all. He is known by his other name, "Bummy."

By August 2 the strike was broken, it was ended, and then they began to center their attacks upon the Socialists, and Binson made a statement to the effect that the Socialist speakers on the street corners were far too hot and that they would have to be more respectful; that they would have to curb it. But I don't think the Socialists did. I believe they said all they wanted to just the same.

That is that diary. It is not complete.

Chairman WALSH. Are you going to file that little diary with us?

Mr. SCOTT. Yes; but I am going to try to get a complete file of the paper with you so that you can look up these particular articles or verify them.

I think that is all I care to say.

(The diary was received and marked "Scott Exhibit 1," and the paper was marked "Scott Exhibit 2, June 16, 1914.")

Scott Exhibit 2 is a copy of the Weekly Issue, Passaic, N. J., February 28, 1913.)

Chairman WALSH. That is all, thank you.

Commissioner LENNON. I would like to ask a question or two?

Mr. SCOTT. All right.

Commissioner LENNON. I would like to ask you as to the composition of the grand jury that indicted you. Do you know anything about the drawing of that jury?

Mr. SCOTT. The grand jury?

Commissioner LENNON. Were they drawn specially for your case?

Mr. SCOTT. No, sir. They draw them as they do elsewhere. They have the quarterly panel, I understand, and if that runs out then they can draw for more for a particular case.

Commissioner LENNON. Was it a regular panel?

Mr. SCOTT. No, sir. The grand jury was the regular jury. It was the May term or the April term.

Commissioner LENNON. Were any of the employees of the silk mills on that grand jury?

Mr. SCOTT. Oh, yes. I have the names of the grand jurymen here, I believe, and I believe I have also their employment.

Commissioner LENNON. Were there any people, men who were on strike on that grand jury?

Mr. SCOTT. Oh, no. No strikers; no workingmen. I am pretty sure of that.

Commissioner LENNON. If the list of the grand jurors can be found in those papers—can they?

Mr. SCOTT. Yes, sir; I have it.

The foreman of the grand jury is a superintendent of the Edison Electric Works.

William Armstrong comes from Little Falls. He is some sort of a retired business man.

John F. Ball, of Compton Lake. No occupation given.

Isaac Benjamin, dry goods merchant.

Emil Cohen, silk mill.

Michael Conlan, building contractor.

Philander Cooley, farmer; Bloomingdale.

Isaac Delasia, rubber worker.

Edward W. Garrison, county school superintendent.

Charles Anarkas, photographer.

August Koenig, Passaic. No occupation given.

Walter Little, silk manufacturer.

Samuel Meredith, retired.

Walter S. Mills, hardware merchant.

James K. O'Day, phonograph dealer.

Thomas L. Patton, physician.

George W. Pollett, postmaster.

Samuel Rachels, Passaic.

Albert W. Shaw, Jr., Passaic. No occupation.

Herman Skill, Passaic. No occupation.

Harry A. Smith, show dealer.

Goddard Van Nimwegen, retired.

David Young, silk appraiser.

Commissioner LENNON. Did you ever receive any compensation for the 5,000 papers that you allege were taken from the Socialist headquarters?

Mr. SCOTT. None at all.

Commissioner LENNON. Did you ever ask for any compensation?

Mr. SCOTT. No, sir. I charged the four policemen who took them without a search warrant with grand larceny.

Commissioner LENNON. I understand.

Mr. SCOTT. They were never indicted, and since then I have taken no other action.

Commissioner LENNON. That is all I have.

Chairman WALSH. That is all. Thank you, Mr. Scott.

TESTIMONY OF MR. HENRY MARELLI.

Mr. THOMPSON. Will you give us your name, please?

Mr. MARELLI. Henry Marelli.

Mr. THOMPSON. Your address?

Mr. MARELLI. I live at 218 East Eighteenth Street, Paterson. I have an office in the Second National Bank Building.

Mr. THOMPSON. You are a lawyer by profession, I believe?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. How long have you been practicing law?

Mr. MARELLI. Near 14 years.

Mr. THOMPSON. In Paterson here?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. All the time?

Mr. MARELLI. All the time.

Mr. THOMPSON. You were here during the strike?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. Last year?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. At that time did you act as attorney for any of the people arrested?

Mr. MARELLI. Yes, sir; I was counsel for the strikers, and associated with me were Mr. Gustave A. Hundsiger, and occasionally Mr. Jacob Kushner assisted us.

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Mr. THOMPSON. Those cases that came before Recorder Carroll that have been named?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. Were they upon original charge, or upon indictment, or upon warrant or indictment?

Mr. MARELLI. The cases before him?

Mr. THOMPSON. Yes; how did the cases come before him?

Mr. MARELLI. They were simply cases of strikers who were arrested for picketing.

Chairman WALSH. If some one files an information against them, is it the city attorney?

Mr. MARELLI. No information filed against them at all; simply strikers would be arrested for picketing and held in jail over night, and the next morning a charge would be preferred against them.

Chairman WALSH. By information?

Mr. MARELLI. No, sir; a charge would be made by a police officer.

Commissioner O'CONNELL. The policeman who made the arrest?

Mr. MARELLI. Yes, sir; that is it.

Chairman WALSH. That was before Recorder Carroll?

Mr. MARELLI. Yes, sir.

Chairman WALSH. And then an information was made out, was it not?

Mr. MARELLI. No, sir; simply a complaint.

Mr. THOMPSON. He sits as a police magistrate?

Mr. MARELLI. Yes, sir. Sometimes he would hold the strikers on the charge of unlawful assembly. Their bail in that case would have to be given to hold the one accused for action by the grand jury. In other cases—

Mr. THOMPSON (interrupting). Just a moment. Suppose I ask you a question or two and lay the groundwork.

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. In those 1,800 cases?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON (continuing). That you speak of?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON (continuing). Where arrests were made, not by indictment by the grand jury—

Mr. MARELLI (interrupting). Yes, sir.

Mr. THOMPSON (continuing). But by police and others?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. They came before Recorder Carroll sitting as a police magistrate?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. As a court of first instance?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. And he either fined them, dismissed them, discharged the case, or held them over to the grand jury, as he saw fit?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. Just like the usual police magistrate sitting elsewhere?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. Now you may go on with your recital. You spoke about two other cases of arrest having been decided?

Mr. MARELLI. Yes, sir. Shall I take that up?

Mr. THOMPSON. Yes.

Mr. MARELLI. The cases of Haywood and Lessig. On the 30th of March, 1913, Haywood came to Paterson to address a meeting of strikers at a place called Lafayette Oval. He walked from the Erie station to the Lafayette Oval, and when he reached that place he was informed by some policemen that he would not be permitted to speak. I am telling you what occurred, what the evidence showed in court.

He said, "Very well," or words to that effect, "I won't speak." Then some one suggested that he go to Haledon, so he said, "All right, we will go to Haledon," and he started out toward Haledon. Lessig and Haywood walked together and a crowd of perhaps 800 or 1,000, as the evidence discloses, followed behind Haywood and Lessig. The crowd was not a disorderly one. They made no noise more than 800 or 1,000 people walking along talking together would make. And they proceeded along in that way until they were within a few feet of the line between Paterson and Haledon. They must have walked a distance of perhaps a mile and a half from Lafayette Oval. Then suddenly the police

patrol appeared, filled with policemen. The police alighted from the patrol wagon and walked toward Lessig and Haywood and placed them under arrest.

They were taken to the police station and I was sent for by them. I was permitted to see them, and I tried to find out from the sergeant at the desk what the charge against Haywood and Lessig was, but he couldn't tell me. He said, "I don't know; I suppose it is disorderly conduct. At any rate the hearing will be held to-morrow morning."

The next morning we were informed that there were two charges against each of those two men, one charge being for disorderly conduct and the other for unlawful assembly. The hearing was continued from the morning till the afternoon of the 31st of March; and at the hearing policemen were heard, and they stated, of course, what they had seen.

Sergt. Ryan was the one who was in charge of the policemen in the police patrol, and he was the first witness. He said that he arrested Haywood and Lessig because they were interfering with people on the public highway in that persons going in a direction opposite to which Haywood and Lessig were walking had to naturally walk a little to one side—deflect their course to the right or to the left, as the case might be.

I then asked him if it was not a fact that he had left the police station with the patrol for the purpose of arresting Haywood and Lessig, and he admitted that that was so. And yet the charge was based on something that he said he had seen at the time the arrest was made. These are all part of the records.

The recorder, after having heard the policeman, held that Haywood and Lessig were both guilty of being disorderly persons, and thereupon he sentenced them to six months in the county jail. And he also held that they were also guilty of unlawful assembly, and on that charge he held them under \$5,000 bail to answer to the indictment of the grand jury if one were found against them.

We immediately proceeded to apply to Justice Minturn—and I wish to say on the side here that Justice James F. Minturn was the one bright spot on the side of the State authorities during the strike. We applied to him for a writ of certiorari to review the six months' sentence and for a writ of habeas corpus to review the charge of unlawful assembly. Justice Minturn allowed us both writs.

On the writ of certiorari to review the disorderly conduct case he ordered that Lessig and Haywood be discharged on \$200 bail each pending the review by the supreme court under this writ of certiorari. This was on Monday that we spoke to the judge, and he said that he would be in Paterson the following Saturday for the hearing on the habeas corpus. He came to Paterson on the following Saturday, and, of course, we asked that the charge of unlawful assembly be dismissed; or rather, we asked that the defendants be dismissed on the ground that the charge was a defective one; but finally after argument the matter of the illegality of the charge, Justice Minturn said he would decide the case on its merits, and he said he would hear the testimony of the policeman concerning what happened on the way to Haledon.

So the policeman testified, and after—I don't know just when this came in—I believe it was after Sergt. Ryan had gone on with his testimony, and the justice seemed to indicate by his manner that there was no cause of action. The prosecutor who was representing the city sprung this on us that we had not anticipated. He said that Haywood was leading a parade, and that in the city of Paterson there was an ordinance which prohibited a parade without a permit first having been obtained, and that inasmuch as no permit for a parade had been obtained the crowd, and everyone in the crowd, was engaged in doing that which was unlawful, and therefore were guilty of unlawful assembly.

Then the justice proceeded to cross-examine the policemen, and he elicited from them the fact that the crowd was not marching two abreast or three abreast or four abreast in a real orderly fashion, each policeman testifying that the crowd was a disorderly one. They laid great stress on the word "disorderly"; that they were walking some on the sidewalk, some in the street, some two abreast, some four abreast; and then Justice Minturn said he understood a parade to be an orderly procession, and that inasmuch as the crowd was not an organized one that it was not a parade, and that therefore the persons in the crowd could not be said to be parading without first having obtained a permit.

During the taking of the testimony questions were asked by the justice of the policemen which they did not seem to be able to answer. For instance,

the justice asked each one of the policemen what was that crowd doing? Well, the policemen said they were disorderly.

"Well, what do you mean, they were disorderly?"

"Well, they were making a noise."

"What noises?"

"They were hollering."

"What did they holler?"

And finally, after repeating that a number of times, the policemen were compelled to say they were hollering "Yea, yea." That is what they were hollering. And Judge Minturn remarked that the Salvation Army made a noise, too; and he dismissed the charge and ordered that the defendants be discharged.

And he further held in so doing that it did not appear from the evidence that Haywood or Lessig had done anything whatsoever in violation of the law. On the contrary, he said they were endeavoring to obey the law in attempting to disburse the crowd. That ended the unlawful assembly matter.

In June the disorderly-conduct cases were argued before the supreme court—Haywood, Lessig, and also Tresca's case. Remember that the disorderly-conduct charge was based exactly on the same occurrence at Haledon on which the unlawful-assembly charge was based.

I have here the opinion of the court in that case, which I will file if the commission desires.

(The opinion was marked "Marelli Exhibit No. 1 June 16, 1914." See under "Exhibits.")

Copies of the record of the New Jersey Supreme Court in the cases of "The State, Carlo Tresca, prosecutor, v. Charles Carola and James F. Carroll, recorder of Paterson recorders' court, defendants, on certiorari (filed Mar. 15, 1913)," and "The State, William D. Haywood, prosecutor, v. Charles H. Ryan and James F. Carroll, recorder of Paterson recorders' court, defendants, on certiorari (filed Apr. 1, 1913)," were submitted in printed form.)

Mr. MARELLI. Every one of the disorderly-conduct cases that were appealed was reversed—every one of them.

Mr. THOMPSON. How many cases have you appealed?

Mr. MARELLI. We appealed those three; and then a man by the name of Louis Browski was arrested, and on the charge of disorderly conduct. He was convicted and given 30 days. His wife was in a delicate condition; she was about to give birth to a child, and wanted her husband out of jail. She used every means possible to get him out, but she could not. Finally, after he had been in jail 10 days, I was ordered to get out a writ of certiorari, which I did.

I applied to Justice Minturn. He allowed the writ and ordered the defendant to be released on nominal bail—I think it was \$100—and after the writ had been issued, after Browski was out on bail, the city attorney or the city counsel, I don't remember which one of the two it was, told me that this case would be abandoned, so far as the city was concerned, because the city was satisfied the conviction was not justified and was illegal. So that if the man had not been able to obtain this writ he would have been compelled to remain 30 days in jail; and as a matter of fact he did remain in jail 10 days without any grounds or cause whatsoever. That is one case.

Then, two men by the name of Julius Kopf and Frank Bruno were sent to jail for being disorderly persons. We obtained writs of certiorari in their behalf, and after release on bail the cases were abandoned by the city.

Hannah Silverman was arrested for being a disorderly person; sent to jail for a number of days. A writ of certiorari was obtained. After the writ was obtained we were informed that the case was abandoned.

There is another case that is still pending. We have not determined that case. She was sent to jail for something she did in court. She laughed or criticized the judge. I don't know the merits of that proposition. That matter is not yet determined. It is still pending. She was sent, however, up for disorderly conduct. The judge held that to be disorderly conduct. It seems to me it ought to have been contempt of court, but still she was sent up for disorderly conduct.

Chairman WALSH. Was she discharged?

Mr. MARELLI. Oh, yes; under bail ordered by Justice Minturn.

Chairman WALSH. Was that tried afterwards?

Mr. MARELLI. No, sir.

Chairman WALSH. I would like to ask you right here if you can tell us approximately how many final convictions there were in the 1,800 cases that you refer to—approximately how many cases in which fines were assessed?

Mr. MARELLI. There may have been altogether, I should say, about 300. There were less than 100 convicted under indictment. The others were convicted of disorderly conduct.

Commissioner O'CONNELL. Were they largely fines, and paid?

Mr. MARELLI. No, sir; most were prison sentences.

Commissioner O'CONNELL. Prison sentences?

Mr. MARELLI. Yes, sir.

Commissioner O'CONNELL. How many were there, approximately, that served prison sentences?

Mr. MARELLI. Oh, quite a number; I should say 100 served prison sentences, but here arrests were made ostensibly for either unlawful assembly or disorderly conduct, but actually they were made because the strikers were picketing, and picketing is no crime. It may mean the invasion of a property right or not, but there is no statute which prohibits picketing.

Some days, for instance, April 14, 25 were arrested for picketing.

April 15, 142 were arrested for picketing, March 21—

Mr. THOMPSON (interrupting). What was generally the evidence in court? Take the case of the 142 people. What was said in court when their cases were called for trial? Were they tried in a bunch or separately?

Mr. MARELLI. In a bunch.

Mr. THOMPSON. A large group?

Mr. MARELLI. Yes, sir. Sometimes two or three were tried together.

Mr. THOMPSON. Take the case of the 142, how did their cases come up in court, who were the witnesses, what was the evidence, and what action did the recorder take?

Mr. MARELLI. The cases of the 142, on April 15, was that against the strikers who were alleged to be picketing around the Hall mill, what is known as the Hall mill in Paterson. It was, so far as I recall, testified that they intimidated or frightened persons who wanted to go to work in the silk mills that were located in this particular Hall factory, Hall mill. The Hall mill was the large mill. There are a number of manufacturing concerns in the mill, I believe.

Mr. THOMPSON. Who, generally, are the witnesses, if you know, in those particular cases?

Mr. MARELLI. Police officers.

Mr. THOMPSON. And no other people?

Mr. MARELLI. No, sir; nobody.

Mr. THOMPSON. How many other people gave evidence that day?

Mr. MARELLI. Well, perhaps two or three.

Mr. THOMPSON. What other evidence was heard? And on whose part?

Mr. MARELLI. Once in a while there was evidence on the part of individuals—on the part of women or men.

Mr. THOMPSON. I mean, after that time, was there any other evidence heard on behalf of the prosecution?

Mr. MARELLI. No, sir.

Mr. THOMPSON. What evidence was heard on behalf of the defense at that time?

Mr. MARELLI. No evidence at all.

Mr. THOMPSON. Well, how was the case handled in that respect? Were you the attorney there?

Mr. MARELLI. Yes, sir; they were held on the charge of unlawful assembly; held under \$500 bail; sent to jail for a few days, and then released without bail in the custody of counsel, and that was the end of the cases.

Mr. THOMPSON. They were not fined then?

Mr. MARELLI. No, sir.

Mr. THOMPSON. But how generally were these 1,800 cases heard in court, what generally was the evidence for the prosecution?

Mr. MARELLI. The evidence of the prosecution was generally that they gathered in the streets, that they interfered with traffic, or interfered with persons rather on the sidewalk; and in some cases it was testified to that the strikers had shouted at persons who were coming out of the mills who were working in the places of the strikers; but that was very seldom because there were very few mills that were working during the strike. Very few of the mills were working that had persons employed. The general line of evidence was that there was a crowd there and that the police had asked them to disperse and that they would not disperse.

Mr. THOMPSON. And what was the evidence on behalf of the defense in those cases generally?

Mr. MARELLI. Didn't put in any evidence.

Mr. THOMPSON. Were you asked to put in evidence?

Mr. MARELLI. Yes; but we would take the position that the evidence adduced by the State was insufficient for a verdict and asked that the case be dismissed, and generally they were dismissed. Nothing became of most of those cases.

Mr. THOMPSON. What was the procedure? Take those cases, not where they fined or committed them to the grand jury or where they were discharged, but in the other cases, what was the general action?

Mr. MARELLI. In the cases where they were not held and were not fined?

Mr. THOMPSON. I say, where they were not discharged. You say some of the cases—well, now, let me examine you a little more in detail on that. You say about 300 cases were fined or held over to the grand jury out of the 1,800?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. And what percentage of them were discharged forthwith?

Mr. MARELLI. Very few were discharged forthwith, except one day there were 222 that were discharged. That was on April 6. There were 222 that were discharged forthwith on account of lack of evidence, the recorder held.

Mr. THOMPSON. What was done with the other 1,300 cases?

Mr. MARELLI. The others—they were almost all of them—I think all of them were sent to jail for some time.

Mr. THOMPSON. They were held in jail or under bail or were discharged?

Mr. MARELLI. At the end of four or five days without bail.

Mr. THOMPSON. In those 1,300 cases the people were either placed under peace bond—is that right?

Mr. MARELLI. No; we haven't any such thing as a peace bond.

Mr. THOMPSON. Then they were all sent to jail?

Mr. MARELLI. Then they were all sent to jail.

Mr. THOMPSON. For different lengths or periods of time?

Mr. MARELLI. Yes.

Mr. THOMPSON. And, generally speaking, did they serve their time, or were they allowed to pay a fine as an alternative?

Mr. MARELLI. No; I don't think you quite grasp the situation here. Let me explain with reference to these 1,300. Now, we will take a group, we will say, of 25 that would be arrested. They are brought to the jail usually the day before they are arraigned before the recorder. They were compelled to remain in jail overnight. The next morning either a charge of disorderly conduct was made against them or a charge of unlawful assembly. If the charge was disorderly conduct they were tried forthwith and either sent to jail 10 days or fined \$10, or sent to jail a certain number of days and fined, and the case would be disposed of then and there. Perhaps, if they were sent to jail for 10 days or 2 days, they might possibly get out before the expiration of that time. That disposes of that 25. You understand that situation. Then perhaps the next day there might be a group of 25 come in and they would be held on a charge of unlawful assembly—

Mr. THOMPSON. Now, take any one time, how many people were in jail under these various charges, if you know?

Mr. MARELLI. Why, I think there was 200. One day I have a record here of having 222 who were released. They were released on the 8th, after being arrested on the 6th. No; arrested on the 6th and released on the 7th.

Mr. THOMPSON. There were these 222 in jail?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. Were there any other strikers or other people in jail—

Mr. MARELLI (interrupting). Yes; they were in jail at that time.

Mr. THOMPSON. Well, state, if you know, how many at times were in jail.

Mr. MARELLI. Well, I am sure I don't remember; I couldn't say positively.

Mr. THOMPSON. Then, from the beginning of the strike to the end, at least, so far as the 1,800 cases were concerned, there were about 222 discharged and 300 fined or sent to the grand jury, and the other 1,300 were sent or committed to jail?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. Did you take care of the case of Mr. Scott, who testified here?

Mr. MARELLI. No; I did and I did not. I started out to try his case, but I was engaged in another case elsewhere, and after the jury was drawn I withdrew, although I helped to prepare the defense, whatever defense he had; he didn't have any defense—didn't put in any defense.

Mr. THOMPSON. About how many cases were sent to the grand jury, if you know?

Mr. MARELLI. Well, I guess 500 were sent to the grand jury.

Mr. THOMPSON. About how many indictments were returned by the grand jury and what was done in those cases?

Mr. MARELLI. Well, there were, perhaps—yes; less than a hundred indictments returned; but there were more than a hundred persons indicted, because sometimes a group would be indicted on the charge of unlawful assembly.

Mr. THOMPSON. About how many people were indicted by the grand jury?

Mr. MARELLI. Why, I should say about 200 or 250.

Mr. THOMPSON. What was done with those cases, if you know?

Mr. MARELLI. There were a few convictions; 32 were nolle-prossed a week ago, and 60 were acquitted. Mr. Scott referred to those who were acquitted. There were perhaps 80 convictions—actual convictions.

Mr. THOMPSON. By a petit jury?

Mr. MARELLI. No; we waived. This was convicted by the court. We waived trial by jury in all cases except the cases of the leaders and four or five other cases, I believe.

Mr. THOMPSON. Before what court were these 80 cases filed that were convicted?

Mr. MARELLI. Before the court of quarter sessions. Well, you mean tried. The court of quarter sessions was where they waived the jury. But when they waived the jury they came before the court of special sessions.

Mr. THOMPSON. Who was the judge before whom they were tried?

Mr. MARELLI. Judge Klenert.

Mr. THOMPSON. Were any actions taken by the jury in strike matters, or any other people indicted than those you have referred to?

Mr. MARELLI. Well, I don't know whether I included in my statement that Haywood was indicted and Quinlan and Treska and Flynn.

Mr. THOMPSON. Was it sought on behalf of anybody to indict other people than those you have named?

Mr. MARELLI. Yes; there was one murder committed during the strike.

Mr. THOMPSON. What murder was that?

Mr. MARELLI. The murder of Modestino Valentino. He was murdered by an O'Brien detective employed by the manufacturers. I was in the police court when the detective was arraigned, and there were three persons who positively identified this detective as the man they saw shoot in the direction of Valentino at the time that Valentino fell. I have the names of the witnesses and—

Mr. THOMPSON (interrupting). Did that matter come up before the grand jury?

Mr. MARELLI. The matter went before the grand jury. The recorder held the man without bail—held him on the charge of murder, although the prosecutor was there on the same day, and the recorder told me that the prosecutor had asked him to discharge the man. And Justice Minturn charged the first grand jury that was called after the murder of this man—the April term of the grand jury—charged that the case presented against the detective was a perfect prima facie case and that the grand jury ought to indict this detective for murder.

Mr. THOMPSON. This was the first grand jury?

Mr. MARELLI. The first grand jury.

Mr. THOMPSON. What did the grand jury do?

Mr. MARELLI. The grand jury did not indict him, and he continued to remain in jail; and the second grand jury was drawn and again the justice charged that this man ought to be indicted, and I believe that he authorized during the term Judge Klenert to charge the grand jury to do likewise, and I know that Judge Klenert did charge this grand jury to indict this man.

Mr. THOMPSON. What was done by the second grand jury?

Mr. MARELLI. Nothing. The next grand jury was again charged by Judge Minturn to return an indictment against this detective, and this time Judge Minturn spoke with considerable feeling.

Mr. THOMPSON. Were you there at the time?

Mr. MARELLI. I heard him myself. I believe I took down just what he said [referring to a memorandum]. He said, "What invisible hand is there in this

community that is strong enough to prevent the indictment of this man? Are you willing to say that our laws are respecters of persons?" These are the words of Justice Minturn [reading]: "What power is there in this community that is greater than the power of the law?" This is what I could write down hastily—his exact words; and I can recall he spoke with feeling and was very emphatic about the matter. The last grand jury to whom he addressed these remarks took up the matter of this murder and returned a finding to the court that they had investigated the matter and that there was no evidence of a reliable nature. I am not stating the exact words, but I think in substance that there was no evidence of a reliable nature on which to justify an indictment for murder against this man, and he was discharged and is now free.

Mr. THOMPSON. In other words, he has never been indicted?

Mr. MARELLI. He has never been indicted. The grand jury that was in session during the strike was made up of manufacturers and business men who deal largely with manufacturers. There was not a single workingman or a representative of the working class on the grand jury. The grand jury is chosen, or was chosen at that time, by the sheriff of the county, solely. The sheriff chose 23, one of whom would be excused.

Mr. THOMPSON. What was the method he used in choosing them under the law?

Mr. MARELLI. Why, there was no method—well, he simply—well, he did choose them under a law that had been passed, called the Fielder Act, which provided for the selecting of men from a panel of a certain number which he would choose; but he was the sole judge as to whom he was to have.

Mr. THOMPSON. How many would that panel be from which these 23 would be chosen?

Mr. MARELLI. Why I don't know. I think it was 150.

Mr. THOMPSON. You mean to say he could look over the list and choose out whom he wanted?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. Knowing whom they were?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. And all that?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. A panel of 150?

Mr. MARELLI. He would just choose them himself.

Mr. THOMPSON. The whole panel of 150?

Mr. MARELLI. Yes.

Mr. THOMPSON. The same way?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. From out the citizenship?

Mr. MARELLI. Yes.

Mr. THOMPSON. Is that the law to-day?

Mr. MARELLI. No, sir; there is a jury commission to-day composed of a sheriff and commissioner appointed by the governor, and a larger number of names is chosen out of the general panel for the year; and from that—

Mr. THOMPSON (interrupting). Who was the sheriff at that time?

Mr. MARELLI. Amos H. Radcliffe, who is sheriff at the present time.

Mr. THOMPSON. What, if any, attitude did he take in the matter of that strike, if he took any?

Mr. MARELLI. Oh, I don't know of any attitude he took; I don't know of any at all. All I know is that the jury that sat during the period of the strike was made up of manufacturers and business men, and not a single workingman or representative of the working class was on it.

Mr. THOMPSON. Which includes, of course, not a striker?

Mr. MARELLI. Not a striker; no.

Mr. THOMPSON. What is the present power of the commissioner and sheriff in regard to drawing the grand jury?

Mr. MARELLI. They have power—they make up a list of 500 names, I believe, for the petit jury and of 300 names, I think, for the grand jury.

Mr. THOMPSON. And that list is made by selecting the names themselves?

Mr. MARELLI. They select the names themselves.

Mr. THOMPSON. They are not taken blindly from the voting list or anything like that?

Mr. MARELLI. No; they select the list themselves, and the list must be—I may be inaccurate as to the number of names, but as to the method I think I am correct; but that list is submitted to the supreme court justice who must ap-

prove it, and then from that list of 300—the grand-jury list—the grand jury is drawn; and from the list of 500 the petit jury is drawn. That list stands for a year, I think.

Mr. THOMPSON. From the list of 300 how is the grand jury drawn under the law?

Mr. MARELLI. By the commissioners. The two commissioners choose from the 300. I believe the names are put in a box and the required number of names taken.

Mr. THOMPSON. Without knowledge of who or what names are to be taken?

Mr. MARELLI. Yes.

Mr. THOMPSON. That is the provision of the law at the present time?

Mr. MARELLI. Yes.

Mr. THOMPSON. What other statement have you to make with reference to the strike, the conduct or the attitude of the officials or of the citizens or of the strikers themselves?

Mr. MARELLI. The newspapers—I have had the files brought here—the newspapers were very bitter against the strikers and the strike leaders. The articles were really incendiary in their nature against the leaders, and if you wish I can read them.

Chairman WALSH. We will have to depend on merely general statements as to the general attitude.

Mr. THOMPSON. You have the papers here that have the statements in?

Mr. MARELLI. Yes, sir; the papers were very bitter.

Mr. THOMPSON. Which papers?

Mr. MARELLI. Particularly the Paterson Press and the Paterson Call. The Paterson News was rather bitter against the I. W. W., though not so much—didn't show such a spirit of animosity against the strikers in general. The Paterson Guardian, the other paper, was against both the strikers and the strike leaders, although not so bitter as the Press and the Call. And the Press—there are articles in the Paterson Press, published around the middle of March, which are practically an invitation to the public to treat Haywood, Flynn, and others in an illegal and unlawful manner.

Mr. THOMPSON. If there is any language you would like to quote from in particular—

Mr. MARELLI (interrupting). No; I haven't got—I don't remember the language; the only thing I could do would be to refer you to the files.

Mr. THOMPSON. Well, have you any particular dates of any papers that you want to refer us to?

Mr. MARELLI. March 8 in the Press—March 9, 10, and 11 of the Paterson Press.

Mr. THOMPSON. Have you the pages there?

Mr. MARELLI. No; not the pages.

Mr. THOMPSON. Just give us what you have.

Mr. MARELLI. That is what I have—the papers of March 8, 9, 10, and 11 of the Paterson Press. And there was an editorial in the Press of April 1, which says that those that are arrested will surely be convicted—the strikers arrested—the leaders arrested will surely be convicted. Quinlan, Patrick Quinlan, was the first of the leaders to be tried under the indictments that were returned by the strike grand jury against the leaders. He was tried some time in the early part of May. He was charged with having said in Turn Hall, in the course of a speech: "I move that we go to the mills. That we get them out of the mills, that we club them out, knock them out, anyway to get them out." Words like that. I can't remember the exact words. Perhaps the police can. There were eight or nine of them that testified at the trial, and they repeated word for word a sentence of about three or four lines and said that they could remember the exact words of that sentence after having heard it but once. He was tried, I say, around about the first part of May or around the early part of May, and the jury stood 7 to 5 for his acquittal. The verdict was returned on Saturday morning. I believe the jury were out all night Friday night, and then the newspapers—

Mr. THOMPSON (interrupting). What was the verdict?

Mr. MARELLI. Disagreement. Mr. Dunn, the prosecutor, announced that he would try the case, I think, the following Monday—try it right away. The newspapers then began to talk about this disagreement. There were editorials in those two newspapers in which, in polite language, the jurymen were insulted, their integrity was questioned, and one of the newspapers went so far as to say that the next jury will surely convict Quinlan. In other words, they

in substance, declared that the failure of the jury to convict, the failure of the jury to agree, was a disgrace to the community, and that some ulterior motives must have controlled the jurors. That had its effect, of course, necessarily must have had its effect on the second trial, which lasted about—

Mr. THOMPSON (interrupting). What other publications, what dates, what papers?

Mr. MARELLI. The Call and the Press.

Mr. THOMPSON. What dates? If you haven't got those handy, will you furnish them to the commission at some later date?

Mr. MARELLI. Yes, sir.

Mr. THOMPSON. To-morrow?

Mr. MARELLI. May 10 was the date.

Mr. THOMPSON. Is there anything further you want to say?

Mr. MARELLI. Well, I think that the commission ought to know the attitude of the authorities toward the strikers and toward the others; how there was a general spirit of antagonism that was created and that existed here. I have told you how very strict the jury was, the grand jury was, toward those detectives, very considerate, the detective who committed the murder during the strike. There were three men—one German and two Italians—who were indicted for an atrocious assault and battery on Officer Love. When the case was tried, witness after witness was placed on the stand by the State, and not a particle of evidence was adduced as to one of the defendants. After the State's case was closed, the judge was constrained to ask the prosecutor if the indictment contained the names of two instead of three defendants, and the prosecutor said there were three defendants named. The three defendants were present in court, and, of course, the judge ordered that the indictment be quashed so far as this one defendant was concerned.

So you see how careless the grand jury was to indict workers. Here was a man whose name was not mentioned at all in the trial, and yet he was indicted and had to go through the trial. How careless they were with regard to the strikers, and yet how careful they were with regard to some one representing the manufacturers' side.

Mr. THOMPSON. In what other form did this spirit you speak about manifest itself?

Mr. MARELLI. Well, it made itself manifest, I think, in those wholesale arrests that were made.

Chairman WALSH. Commissioner Lennon would like to ask you a question.

Mr. MARELLI. Yes, sir.

Commissioner LENNON. Were these arrests and indictments really because of the fact that the men refused to work, or were they because of a violation of law?

Mr. MARELLI. I think because the men refused to work. I think it was an attempt to break up the strike. Judge Minturn agreed with us that a fair and impartial trial could not be had by a jury composed of Passaic County men, and it was on these papers which I presented to him on an application that we made for a foreign jury to try all the indicted leaders after Quinlan had been convicted. We applied for a foreign jury, for men composed of people from a county other than Passaic County after Quinlan had been convicted, and to sustain our contention that a fair and impartial trial could not be had we produced those papers, and it was on those newspaper articles alone that Judge Minturn granted our application. He said that it was as a result of the articles in those papers that the state of public mind was created, two states of public mind, one for the strikers and one against the strikers, and that it would be impossible to get anyone possessing a state of mind absolutely fair and impartial.

We tried the cases with a foreign jury, and in neither case was there a conviction. Disagreements in each case.

Chairman WALSH. The commission will now stand adjourned until to-morrow morning at 10 o'clock.

Mr. Marelli, please return at that time.

(Thereupon, at 5 o'clock p. m., June 16, 1914, an adjournment was taken until June 17, 1914, at 10 o'clock a. m.)

PATERSON, N. J., June 17, 1914—10 a. m.

Present; Chairman Walsh, Commissioners Lenhon and Commons; also William O. Thompson, counsel.

Chairman WALSH. The commission will be in order.

Mr. THOMPSON. Mr. Marelli will please take the stand.

Chairman WALSH. I think you were right in the midst of a statement when we adjourned.

TESTIMONY OF MR. HENRY MARELLI—Continued.

Mr. MARELLI. I wish to make clear to the commission the matter of the illegal convictions made during the strike to which I called your attention. I have stated to you that every case of conviction for disorderly conduct that was appealed to the higher courts resulted in a victory for the strikers, either by the decision by the court or by the abandonment by the city authorities. We took up in this manner about eight or nine cases. I don't wish to be understood that these were the only cases of illegal convictions for disorderly conduct. In fact, in our judgment, most of the convictions for disorderly conduct were illegal. We did not take them up because of the costs involved, and also because of the fact that the penalties imposed were small, and it was deemed better for the strikers to pay the penalty either in fines or jail sentences than to take the matter up to the higher courts.

In the matter of the costs, I would like to show the viewpoint of the courts in regard to them in order to show the discrimination that is made between property and human rights. In each of the cases of Haywood, Tresca, and Lessig, which were appealed to the supreme court, reference to which I made yesterday, the costs—that is, the actual disbursements—amounted to about \$50 for the printing of the cases and the court costs.

Chairman WALSH. Each individual case?

Mr. MARELLI. Each case. The court rendered its opinion in each case without reference to costs. We, on notice to the city attorney, asked the supreme court for costs. The supreme court refused to allow us costs on the theory that costs were never allowed in matters where a public official was a defendant. Some time ago in the city of Paterson an ordinance was passed by the board of aldermen requiring the Erie Railroad, which passes through this city, to establish a grade crossing at one of the crossings in this city. If this crossing could have been established it would have been for the benefit of the public. The Erie Railroad believed that the ordinance was an illegal one, and by writ of certiorari, the same kind of a writ that we obtained in the striker cases to review the convictions before the recorder, asked the supreme court to review the legality of the ordinance. The supreme court decided in favor of the Erie Railroad and allowed the Erie Railroad's costs against the city. I wish to bring out this point, that in the one case we have an appeal made where property rights alone are involved, where, if the city had been successful, the public would have benefited, but where costs were allowed, and in the other cases where human rights alone were involved costs were denied.

In the early part of the strike the strikers were held mostly on charges of disorderly conduct. But I presume the city authorities believed that perhaps the convictions for disorderly conduct would not be sustained by the upper courts, and so therefore the strikers were held under a law passed during the reign of Charles II in 1665, called a law against unlawful assemblages; and most of the strikers, as I say, were therefore held under this charge, and most of the strikers, as I have indicated to you, who were held under this charge were ultimately discharged. Their cases were not brought to trial. They were not indicted—most of them were not—and the cases against most of them that were indicted were dismissed on trial or were nolle-prossed without trial.

Patrick Quinlan was the first of the leaders who was tried. He was indicted for inciting to riot. There were three indictments returned against him on that charge, and one indictment was returned against him for unlawful assemblage. His case was tried before a jury in Paterson, and the trial resulted in a disagreement.

Immediately the prosecutor gave notice that he would try the case in the course of two days. I think the jury's return was made on Saturday morning and the prosecutor announced that he would retry the case on Monday morning.

The second trial resulted in a conviction.

At each of these trials there were about eight or nine police officers who testified that Quinlan had uttered the words he was charged with having ut-

tered in the indictment. Nobody else testified regarding this except the police officers. On the other side there were 30 or 35 working men and women who were at the meeting where these words were alleged to have been uttered who testified that not only were the words not uttered by Patrick Quinlan but that he did not speak at all on this occasion.

The case was appealed to the supreme court, and the supreme court sustained this conviction. An appeal has been taken or is about to be taken by us to the court of errors and appeals, which is the highest court in this State.

Chairman WALSH. That is the Quinlan case?

Mr. MARELLI. In the Quinlan case.

Chairman WALSH. Is he on bail now?

Mr. MARELLI. Yes, sir; \$5,000 bail on this one charge, and then under two or three thousand dollars bail on the other indictment.

Chairman WALSH. Well, is this the case in which he has been sentenced to from 1 to 15 years?

Mr. MARELLI. From 2 to 15 years.

Chairman WALSH. Two to fifteen years?

Mr. MARELLI. Yes; and a fine of \$500.

Chairman WALSH. Was there some action on that lately, within the last few days? Was he given relief bail, or anything of that sort?

Mr. MARELLI. No; on account of my attendance here at the hearings I have been unable to get the writ, or, rather, the appeal from the supreme court to the court of errors and appeals sealed. As soon as I am through here, I will attend to that.

Chairman WALSH. But you get that as a matter of right; it is not discretionary?

Mr. MARELLI. Yes; as a matter of right. It was thereafter, after Quinlan's conviction, that we obtained an order from Justice Minturn to have all of the indicted leaders tried with a foreign jury. However, we did not ask for a foreign jury in the case of Alexander Scott, and he was tried by a local jury, made up of business men and manufacturers. The charge against him appeared to us to be so ridiculous that we did not think it necessary to get a foreign jury in his case.

However, the jury convicted him. No defense was put in in his behalf, because we did not deem it necessary. And I recall that after the conviction I had a conversation with one of the jurymen who convicted him.

This jurymen had a couple of weeks previous to the trial written a letter, or sent a letter under his signature to the newspapers, in which he severely criticized the county judge for granting a license to a certain individual to keep a saloon near the factory of this jurymen. This jurymen keeps a tin-can factory in the city of Passaic, or near the city of Passaic.

I wish to say that our county judge here is also the county excise commissioner. He grants licenses to sell liquor to all persons who desire or who apply, to sell liquor outside of the city of Paterson and the city of Passaic.

I said to him, "Why in the world did you vote for a conviction in Scott's case for criticizing the acts, when you yourself a couple of weeks ago criticized the judge of the court for granting a certain license?" and he said to me, "Well, I had just reasons for criticizing the judge." "Well," I said, "Scott thought he had just reasons for criticizing the police." And we parried back and forth, and finally he said to me, "I will tell you why I voted for conviction." He said, "There was an article in this issue of *The Issue* wherein this article criticized the police, criticizing the United States Government for building new warships, and I could not stand for that, and therefore I voted to convict him on this charge."

The supreme court in its opinion in reversing the verdict brought in against Scott said that the judge of the court ought to have either quashed the indictment or ought to have directed the jury to bring in a verdict of not guilty.

Shortly after the supreme court rendered its opinion in the Scott case the prosecutor caused the grand jury that was sitting at the time in this county to indict Scott again, on the same article, only this time he caused him to be indicted on the charge of criminal libel instead of the charge of inciting hostility to any and all Government. If the lower court had done what the supreme court said it ought to have done, had instructed the jury to acquit Scott, Scott could not have been indicted again on this publication, because he would have been put twice in jeopardy for the same offense.

The next case that was tried was that of Elizabeth Grlie Flynn. She was charged with having uttered language which incited an assault on individuals.

Her trial lasted about three days before a foreign jury. The jury was out all night and returned at about 11 or 12 o'clock the next day, and the foreman said that it could not agree. The jury was discharged and Miss Flynn has never been retried.

The same witnesses—the same police officers—who testified in the Quinlan trial testified in the Flynn trial. We had 30 or 35 working men and women who were in attendance at the meeting where the words charged in the indictment were alleged to have been uttered, who testified that those words had not been uttered by Miss Flynn; that she did not advocate violence in any way, but, on the contrary, she advised peace.

And, to show the animosity of the newspapers, the next morning after the jury had returned that they could not agree, in the Morning Call there appeared an article that as the jury came in I was standing opposite the jury, and that I winked at one of the jurymen and that this jurymen winked back at me, which was an absolute falsehood, as I did not know the jurymen, I had never seen him before, and I had never in my life spoken to him.

The next one to be tried was Carlo Tresca. He was tried by a foreign jury and he was charged with inciting the strikers to an assault on individuals. His trial lasted but half a day, as we did not put in any defense, and there, too, the jury disagreed. Mr. Tresca has not been retried.

Chairman WALSH. Is Mr. Tresca still in the city?

Mr. MABELLI. I beg your pardon?

Chairman WALSH. Is Mr. Tresca still living in this city?

Mr. MABELLI. No, sir. He lives in New York, I understand.

Mr. Boyd was indicted for advocating the destruction of property. In his case we waived trial by jury, as there was no denial that he had uttered the words he was alleged to have uttered; but we held that the uttering of those words did not constitute a crime. He was tried without a jury and convicted. His case was taken to the supreme court on appeal and is still pending there.

Mr. Haywood was indicted for inciting hostility to the police force. He is alleged to have said these words:

"When we are organized we will be able to take the badges from the policemen, and the butchers will not sell them meat."

We feel so certain of success in his case that a couple of months ago I personally went to the prosecutor and told him that we would waive trial by jury in his case and have the court alone try his case, which the prosecutor refused to do. A great deal has been said against Mr. Haywood—a great deal was said against him in these newspaper articles to which I referred yesterday. He was here three or four days a week during the strike, and yet the worst they could find against him was the uttering of those words. That is all they have against him. That is the only indictment against him—an indictment which, apparently, they do not dare to bring to trial; and if they do not bring it for trial very soon we shall ask that a day be set for his trial.

I believe I have gone over the trials of the indictments of the leaders. I wish to say that Haywood was indicted only on this one charge; Miss Flynn was indicted on three charges; and Tresca was indicted on three charges. None of those charges, as I have indicated to you, have been disposed of, except the one charge against Boyd, who was indicted on two charges, and the one charge against Quinlan.

The newspapers were very severe. They did something that was unheard of, in my judgment: They criticised both Mr. Huntsecker and myself for our energy in the defense of the strikers and the strike leaders; and in one editorial we were practically urged to refrain from further defending the strike leaders. In one publication there appeared a letter written by a manufacturer, in which Mr. Huntsecker and myself were very severely criticised.

There were only two cases of alleged police brutality that were brought to our notice as counsel for the strikers. Both of the cases were referred to by Mr. Alexander Scott yesterday. One was a case of an alleged assault by Police Officer Duffy on a woman. We had the affidavit of the physician and affidavits of a number of witnesses concerning the alleged assault. A complaint was made by this woman against Police Officer Duffy, but, I believe, nothing ever came of the complaint.

The other case was against Officer Love, who was alleged to have assaulted a couple of men in the Totowa section of this city by clubbing them and knocking them down with his club. It was also said that he had beaten one of these prisoners in the patrol wagon as the prisoners were being taken from Totowa to the police station. A complaint was also made against Officer Love, but

nothing ever came of the complaint. Those were the only two cases brought to our attention as counsel for the strikers—of assault by the police. The police were generally not brutal toward the strikers, but I think that was due largely to the extraordinary self-control on the part of the strikers. There was not a single instance in the whole strike of mob violence, so far as the strikers were concerned. The only instance of violence was that one that I related yesterday with reference to this private detective. The policemen, too—some of them—had brothers and sisters employed in the silk factory who were on strike; and there were some policemen with whom I talked who were sympathetic with the strikers. But they certainly resorted to and did make indiscriminate arrests, as the results show.

The police officers sometimes do not seem to understand what constitutes disorderly conduct. Officers are given orders to make arrests, or were given orders to make arrests, and they would make them regardless of what was being done by the strikers. It seems that this is done in all strikes. I have been engaged in defending strikers in the city of Paterson for the last eight years. I am employed in almost every strike. I am employed in a strike going on here and tried a striker's case this morning, where a striker had been arrested for distributing handbills. The case, however, was dismissed against him. When I read of the conduct of the police and the constituted authorities in other places, I must say that the police of Paterson were not one-hundredth part as bad as they have been in these other places of which I read. But I say this was due to the extreme self-control exercised by the strikers. There were, of course, a few individual isolated cases of assault and battery, where strikers would, on the quiet, perhaps, assault a man; but there were very few of those cases. I do not believe there were 15 who were indicted for assault and battery during the strike.

As I say, the strikers exercised extreme self-control, and these stories about stoning of houses and the exploding of bombs were exaggerated. All these stories came to us.

Commissioner WALSH. How many allegations were there of that sort, that is, that they threw stones at houses, or stones were thrown at houses? How many complaints do you recall approximately?

Mr. MARELLI. I only recall one or two complaints.

Commissioner WALSH. Only two.

Mr. MARELLI. There were newspaper reports of them very often.

Chairman WALSH. How many conceded explosions were there?

Mr. MARELLI. All I know of is half a dozen, but there was not \$5 worth of property destroyed in any of those explosions, and the explosion—I recall the alleged explosion where I visited the scene the next day. I think it was the Helvetia Mill, one of the silk mills here in the city of Paterson, and where the explosion was alleged to have taken place was right next to a pane of glass, and the glass was not disturbed at all.

Chairman WALSH. Were any convictions had in the case of explosions?

Mr. MARELLI. No, sir.

Chairman WALSH. Any arrests?

Mr. MARELLI. No, sir; none that I recall; no, sir. I think I have stated all that I have in mind.

Chairman WALSH. Very well. I have just one question, then. You said that the proceedings against certain defendants on the charge of unlawful assemblage were based upon a law enacted in 1665?

Mr. MARELLI. Yes, sir.

Chairman WALSH. Now, the information that they filed in these cases, or were they indictments?

Mr. MARELLI. Simply informations first and indictments afterwards.

Chairman WALSH. Well, does the information in New Jersey, it is required to set out the law upon which it is based?

Mr. MARELLI. No.

Chairman WALSH. And it was just for unlawful assemblage?

Mr. MARELLI. Yes, sir.

Chairman WALSH. And the reason you say it was under the act of 1665 is that it is a common-law offense in New Jersey, unlawful assemblage?

Mr. MARELLI. Yes, sir.

Chairman WALSH. And therefore it dates back to that act?

Mr. MARELLI. Yes, sir.

Chairman WALSH. It was not brought right on that act?

Mr. MARELLI. No, sir.
Chairman WALSH. That is all.

TESTIMONY OF MR. MICHAEL DUNN.

Mr. THOMPSON. Will you give us your name?
Mr. DUNN. Michael Dunn.
Mr. THOMPSON. And your address?
Mr. DUNN. Business address, Romaineville, Paterson, N. J. House address, 667 East Eighteenth Street.
Mr. THOMPSON. You are prosecuting attorney of Passaic County?
Mr. DUNN. Yes, sir.
Mr. THOMPSON. How long have you been such?
Mr. DUNN. Since April, 1911.
Mr. THOMPSON. During the silk-mill strike here of last year you acted as such prosecuting attorney?
Mr. DUNN. Yes, sir.
Mr. THOMPSON. And had the direction and charge of the cases brought in the courts?
Mr. DUNN. Yes, sir.
Mr. THOMPSON. You may tell us briefly the jurisdiction that your office has. Does it take charge in the police magistrate's court or just the upper court?
Mr. DUNN. We have charge in all criminal matters, but we take special cognizance of cases after they have been committed by the committing magistrate, unless there are some matters of public import which comes to our attention before the arrest is made.
Chairman WALSH. Do you have a deputy in the lower court?
Mr. DUNN. No.
Mr. THOMPSON. In these 1,800 arrests or so that have been testified to here, if there were that number, that were brought before Recorder Carroll, did you or a representative from you appear in the police magistrate's court?
Mr. DUNN. No, sir.
Mr. THOMPSON. Then you have more particularly to do with these cases when they come up to the upper court?
Mr. DUNN. The cases in which commitments were made and parties held to answer to the grand jury.
Mr. THOMPSON. Did you hear the testimony yesterday of Mr. Marelli?
Mr. DUNN. No, sir; I did not. Unfortunately I was engaged in the trial of an indictment in court and could not come down here.
Mr. THOMPSON. You heard his testimony this morning?
Mr. DUNN. Yes, sir.
Mr. THOMPSON. In which he spoke of the Quinlan case and the Scott case?
Mr. DUNN. Yes, sir.
Mr. THOMPSON. Now, with reference to the 1,800 or more arrests that are alleged to have been made at that time that came before Recorder Carroll, have you got any information or knowledge regarding them?
Mr. DUNN. Only in a general way, as gleaned from the newspapers, except as to that portion where Judge Carroll did not deal with them under the disorderly act but held them under the criminal statutes, and in that way held them over for the grand jury.
Mr. THOMPSON. It was stated yesterday that the number of—if I have the figures correctly, that about 222 cases were discharged of the 1,800; about 300 cases were fined and sent to the upper court; that the other 1,300 cases were committed to jail. Now, are you able to say anything in regard to that matter?
Mr. DUNN. All I can say is that the grand jury found about 200 indictments in cases growing out of the strike, and those indictments covered about, I would say, 450 different defendants. In some of the indictments, as you gentlemen will readily understand, familiar with the law, for example unlawful assemblage, there would be probably 20 or 25 names in a single indictment, because it occurred at a specific place at specific time and in possibly some of those, some defendants might have participated a week later in some other unlawful assemblage at another place and under other circumstances, and would there be indicted. But that is about the number of indictments that were found and, as I say, it covers about 450 different defendants.
Mr. THOMPSON. In regard to the cases which were taken up. It has been testified here, in the order taking first the Tresca case, then the Haywood

case, then the Lessig case, and so on, that when the cases came up to the upper court, either heard by the judge or by a jury, that the defendants were released; and the statement has been made here as to the character of the evidence in those cases, particularly the Tresca and the Haywood and Lessig cases, where they were arrested early in the strike. What have you to say in regard to those cases?

MR. DUNN. Lessig and Tresca and the other leaders who were arrested on the first day of the strike were not discharged for inciting to riot. They were indicted, and two of them had—that is, Tresca and Gerlie Flynn Jones—have been tried with a foreign jury which disagreed, and their retrial is now likely to take place within the course of 10 or 12 days, in those two cases especially. And Mr. Haywood has not been put on trial, and Mr. Marelli makes a mistake when he says he asked me to give him a trial. That is absolutely untrue. He never spoke to me urging that Haywood be tried, or to fix a day for him to be tried. It is absolutely untrue. Why he said that I don't know.

As to the other case which arose out of the first day of the strike here, the Quinlan case, that was tried and Mr. Quinlan was convicted and his conviction was appealed to the supreme court and that conviction has been upheld.

As to the Scott case, which arose out of an article published by him in his Issue, which I have here, of February 28, three days after the strike was started. My construction of a statute which had been passed in 1908 after the death of President McKinley making it a high misdemeanor for any person to advocate hostility to any and all government, was the language used in the statute, and we construed that the word "any" was there with some purpose, and that the word "all" had a function, and in investigating we found a number of cases that where those words were used in that manner in a statute that the word "and" may be translated or construed by the courts as "or" so that the statute could be read "any or all government." And with that construction in mind that indictment was framed under that statute.

It went to the supreme court, and they have recently rendered an opinion in which they have held that the intent of the legislature was that the words should be taken in a conjunctive sense, and that the word "and" should be given a separate meaning from the word "or," and that the statute should be read as though the word "any" was eliminated and the word "and," and that the sentence should be read as "hostility to any and all government" pure and simple. In other words, they thought that the public policy and the right of making proper criticism of public officers and administrations or different parties to the Government was so much of a right that it ought not to be abridged, and in that view they held that they thought that that indictment ought not to stand. That indictment was nolle prossed, but the article was of such a character that when the matter was brought to the attention of the present grand jury, a copy of which I have here and will leave the article with you, they felt it was of such a grossly libelous character, as also was indicated in the opinion of the judges of the supreme court, that Mr. Scott ought to be answerable for it to the chief of police, against whom the libel was aimed, and they returned an indictment against him and he has been arraigned on that indictment and a day fixed for his trial.

(Mr. Dunn submitted a copy of the Weekly Issue, dated Paterson, N. J., February 28, 1913, containing article entitled "Police Chief Binson overrides constitution.")

The Quinlan case has been decided and affirmed, and Mr. Quinlan has been notified to appear before the court on next Monday to take his judgment and sentence.

There are two cases, as I said, which have been tried before and are now pending, because this foreign jury is outstanding in each of them, and they will probably be disposed of between this time and the 4th of July.

MR. THOMPSON. Referring to the Tresca case, and the Haywood case, and the Lessig case, where they were arrested and charged, if I remember correctly, with disorderly conduct or unlawful assembly, when they first met at the Lafayette Oval and were walking downtown, those cases I understand they were held by the recorder, or fined, and the cases were taken to the supreme court before Judge Minturn and the cases were discharged.

MR. DUNN. The only man that was held among those that you have mentioned in those cases was Mr. Haywood. There were other persons, not of the leaders, that were arrested for unlawful assembly.

In the Haywood case the recorder, Carroll, held Mr. Haywood for unlawful assembly. There was an application made for habeas corpus—Mr. Haywood was refusing to give bail and preferring to remain in jail. There was application for habeas corpus, and on the return of that writ 1 appeared in court and produced before the judge the evidence that the police were able to supply as to what occurred at the time they made the arrest. The arrest was made, as you understand, without warrant.

The arrest grew out of this fact: On the Saturday or Friday night preceding this assemblage, which was arranged to take place at Lafayette Oval on Sunday afternoon, the police had sent for Mr. Lessig, who was then acting as secretary and president, I think—I think he was president of the local organization—and told them the danger that would likely follow in case on Sunday afternoon a meeting of that kind should be held in the open and any such speeches made as had been made previously at some of their meetings, and would not under any conditions consent to the holding of the meeting. They agreed with him that the meeting should not be held, and would not be held, and that it would be called off.

Now, instead of keeping their word, on Sunday afternoon their assemblage at this Lafayette—there assembled at this Lafayette Oval from different quarters of the city a crowd until there were on the grounds, as I got it from the police, in the neighborhood of 2,000 people. No one of those leaders had yet put in an appearance, but as the clock approached 2, Mr. Haywood, with some others of the leaders, was seen approaching Lafayette Oval from a different street line than that on which most of them went there, and when he approached the police who were assembled there announced to the persons who were assembled there—there were policemen, 15 or 16 there—that they could not hold that meeting, and that they had promised that it would not be held, and that the crowd must disperse and go away; no meeting could be held. At once the authority of the police was defied and hooped at. They had a cry they used to use, kind of a boo-hoo, kind of a lonesome, wailful cry of derision, and showing distaste toward the police.

The crowd carefully, in groups, seemed to scatter, as the evidence showed, and were in a disposition to go away, and just at that time Mr. Haywood appears on the scene with one or two other outside of town gentlemen who were interested in his cause. He says, "Well, if we can not hold our meeting here then we will parade somewhere else and hold it."

We have a statute in this State that prohibits any parade from being held on a Sunday through the streets of the city of Paterson without permission first obtained from the chief of police, and then only can it be granted in cases of religious societies or some fraternal organizations as mentioned in the statute. But that did not deter Mr. Haywood, and he started to assemble those men and started to parade them in Paterson, past the houses of employers, against whom derision was manifested as they went along, and hooping and interfering with people on the sidewalk, who had to get off the sidewalks and get out in the street and let the crowd pass, because they were unwilling to do so. And that continued until well on toward the outskirts of the city. At that point the police deemed it proper that Mr. Haywood, who was leading the crowd, should be arrested. He was arrested, and it was upon that charge that he was accused of having participated in an unlawful assembly, violating the statute which I have just mentioned, and also violating the unlawful assembly act and the common law governing such cases; and it was upon that charge that he was committed, and upon that charge that the investigation was made by Judge Minturn under the habeas corpus proceedings as to whether or not a crime had been committed.

Judge Minturn decided in that case that he thought, because they were not parading in orderly fashion, two or two, or four by four, that is was not a parade within the meaning of the statute, because they were going along in a haphazard formation; it was not a parade and, therefore, he did not think they came within the statute, and he excused Mr. Haywood. But in so doing he took occasion to refer to some cases—I think it was the case of Lord Gordon, when he appealed to Parliament after taking a petition there on behalf of some of his constituents on the other side—and he thought that the circumstances in that case fitted this case, and decided it with some considerable emphasis and released Mr. Haywood.

So that was all there was to that case.

Mr. Thompson. It has been stated here, Mr. Dunn, by Mr. Marelli, that there were six or eight cases taken up, cases growing out of the strike, grow-

ing out of the charges of disorderly conduct and unlawful assemblage. Now, not taking into consideration the Quinlan case or the Scott case, which alleged other things, or the Haywood case, which alleged some statements——

Mr. DUNN (interrupting). Yes.

Mr. THOMPSON. And that in all of the cases they were taken up in that way in the upper courts, either by habeas corpus or writ of certiorari, or indictment by the grand jury, and then trial, and that the defendants were acquitted. Is that true or not?

Mr. DUNN. That is not true. There were cases that were tried for violations of ordinances which reached disorderly conduct before the recorder. We have a statute which provides for a review of the recorder's judgment by the judge of the court of common pleas by simply giving notice of appeal, and notice issues from the common pleas to the recorder to send up the record before him on which the conviction was founded, and then the court of common pleas proceeds to review that record to ascertain whether or not there was sufficient in the record to justify conviction. Now, there were many cases of that kind that went before the court that were not dismissed; but with those cases I haven't anything to do when they would come up on appeal. That would be for a violation of city ordinances, and the city attorney or city counsel would appear in those cases.

Mr. THOMPSON. Well, you don't know, then, of those cases of your own knowledge?

Mr. DUNN. I know that some of them went up and were upheld.

Mr. THOMPSON. Well, so far as the cases that came up that you took charge of were concerned, what were they? What were their names, if you know, and what was done, leaving out the Haywood and Scott cases?

Mr. DUNN. In every case that we tried for unlawful assemblage we got a conviction. There wasn't an acquittal in any case that we tried for unlawful assemblage, unless we would discover absence of evidence in the case of A. B. or C. D., in the particular case, and in that case they would be dismissed.

Mr. THOMPSON. What was the Tresca case that went up?

Mr. DUNN. There was no Tresca case that was up for review before the higher courts. Tresca is indicted for inciting to riot, and that has been tried, and the jury disagreed.

Mr. THOMPSON. And then, so far as you remember, you are positive there was no case in which he was involved that went up from Recorder Carroll——

Mr. DUNN (interrupting). Oh, that I don't know; there might have been a case before Recorder Carroll for disorderly conduct.

Mr. THOMPSON. No; a case that went up from Recorder Carroll ——

Mr. DUNN (interrupting). Oh, that I don't know; there might have been a have been an appeal gone up from Recorder Carroll to the common pleas judge.

Mr. THOMPSON. You know nothing about that?

Mr. DUNN. No, sir.

Mr. THOMPSON. So that, as to the fact of these things that Mr. Marelli has testified about, as to that class of cases going up on writ of certiorari from before Recorder Carroll to the higher court, you are not acquainted with that?

Mr. DUNN. No, sir; I only dealt with the crimes.

Mr. THOMPSON. In regard to the grand jury, it has been stated here by Mr. Marelli that one O'Brien detective killed a man, Modestino Valentino; said he was shot in the back, and he said there were witnesses who say that they saw the detective shoot the revolver and saw the man fall and that the two things were concurrent; and that the proposition of the indictment of that man came up before the grand jury three times and that each of these times Judge Minturn drew the attention of the grand jury to this killing and then he finally said the last time, before the last grand jury, when they did not indict, words to this effect—I can not quote it absolutely, but he wanted to know what influence there was—unseen influence—in the community which prevented the indictment of this man which the evidence showed, at least prima facie, had shot and killed another in Paterson.

Did such a case come up before the grand jury?

Mr. DUNN. Yes, sir.

Mr. THOMPSON. And what, if anything, did Judge Minturn say to the grand jury about the case?

Mr. DUNN. I recollect the case very well. Mr. Modestino Valentino was an employee in the file works and lived in the neighborhood of the Weidmann mill; and on the night he was shot there was a riot in front of his house. Just previous to his being shot—I am giving you now the result of the evidence, prob-

ably, from the examination of 50 witnesses who claimed to have been on the scene.

Chairman WALSH. The effect of their testimony?

Mr. DUNN. It is the substance; you are getting the pith of it.

Chairman WALSH. The substance of it

Mr. DUNN. Yes; on that night there had been some very violent conduct on the part of the strikers and their sympathizers during the night, so that the manufacturers were—felt it their duty to supply watchmen and guards to protect the lives and the homes of these men who were working—these men who were working were not strike breakers nor scabs in any sense of the term. They were mechanics, electricians, engineers, carpenters, and others, who, while the mills were idle, the different mills, the masters were taking advantage of the opportunity to have the machinery repaired and fixed up in order to save time when they were ready to enter again upon their work. But the notion was injected into the minds of some of these poor fellows that these men were doing a great harm to the cause, and in consequence, just as I say, a few days before this riot took place, there had been stoops blown off the houses, and bombs had been exploded in the rear of houses where people were sleeping, and the glass of the windows shattered and thrown upon the beds of children and wives—

Chairman WALSH (interrupting). Were those the houses of these mechanics?

Mr. DUNN. Yes, sir.

Chairman WALSH. In all instances?

Mr. DUNN. In most instances; so on this occasion the feeling was quite bitter, and there were two men to go to guard two certain houses, both houses located upon the East Side, as I recall it now. And they felt it necessary that the O'Brien detectives, of whom these men were members, these men being connected with the Weidmann works, should escort them down to the trolley car on River Street, at the corner of River Street and Fifth Avenue, near the Weidmann mill; and so they were escorted, and they reached the corner of River Street and Fifth Avenue, and while they were waiting for a car a hostile crowd assembled of two or three hundred men, who live all around there, and they began to hoot and yell, and began to make demonstrations. So that these two men, together with the five or six that accompanied them, felt unsafe to remain there, and they started back down the street to the works to get assistance, which they did, and returned with twelve or fifteen, and were then escorted in safety upon the car. Then the 15 started to return back to the works, walking down on the right-hand side of the street as they approached the works, the crowd, consisting then of seven or eight hundred strikers and their associates, and sight-seers and curiosity people, following; and they hooted and yelled at these men as they approached on down toward the works.

When the men got to a point on the corner of the street, just this side—when I say "this side" I mean this side of the Erie track, at which corner there is a saloon located—I speak of that as a geographical point—when they got to that point, the crowd on the left-hand side of the street attempted to intercept them, and on the way down stones had been thrown at them, and the hooting and yelling had been carried on; but then the crowd attempted to intercept them to prevent their crossing the street at that point to go into the Weidmann works.

As the crowd made a dash, some one seeing it—one of these detectives hollered; "Turn about; charge and drive them back." And instantly on that being done, there were in the neighborhood of 17 or 18 shots fired. That is, between the "turn about, face about, charge." And the crowd started to run down the street. Now, one of these shots hit Mr. Modestino (Valentino), who at that time happened to be out, as these men passed, upon his porch and had turned to go in just before this command was given to "face about, charge." And one of those shots struck Mr. Modestino under, I think it was, his right shoulder as he was on his doorsill, going into his house. When this order was given, these men turned back toward the crowd and started down the street, and this man Cullerton, who was one of the O'Brien detectives, and two or three detectives, were seen to fire their pistols in the air back toward River Street, which would be toward the east, as they were going down there. After it was discovered that Mr. Modestino was shot, and he was taken to the hospital, and after the crowd started to go back, why these detectives went on into the works and resumed their stand in there. Then it was claimed that some of these men had fired this shot. Now, to ascertain who this was was the mission of the police, and such detectives as we could employ; and the police immediately

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tain his family, and he did not feel that working in a strange field over in Astoria he could be criticized as interfering with the possible adjustment of the strike in Paterson.

And begged of them to go away and let him alone, and so did his other friend, who was a neighbor living next door. And they said, "No; you have got to quit work or we will fix you." They lived up in Totowa, their families did, and they lived up in Totowa on Ryerson Street, I think. On Sunday evening following this visit to them in Astoria there appeared at the house of Mr. De Nopoli a tall fellow whose name I can't recall just now, and a shorter fellow, the shorter fellow being one of the parties who had been over to Astoria trying to get him to quit work. And they demanded to know—happened to find both men together at the front fence talking—what they were going to do in reference to quitting work, and they explained again their position, that it was impossible to do that unless they wanted their families to starve. And with that the smaller fellow pulled out a blackjack from under his coat and hit the smaller fellow across the head, and the other fellow pulled a gun, and Mr. DeNopoli, whose wife happened to be standing by, and she jumped in between them, and as she did this big brute fired his gun, struck and felled Mrs. De Nopoli to ground, and Mr. De Nopoli then stepped back and pulled his gun, and the first shot doubled up the big fellow, the second shot felled him in the ditch, and then Mr. De Nopoli picked up his wife, and a crowd had assembled, and four thugs that were on the other side of the street associating with this pair came over and helped drag De Nopoli away and they carried him down to the corner of Rip Van Winkle Avenue and Haledon Avenue or Hamburg Avenue, and there sent for a doctor. They found him suffering from two bullet wounds. He was sent to the hospital and died I think, within 24 hours thereafter, and the result that I am giving you is from the evidence obtained from the witnesses in each case. The grand jury felt there was justifiable homicide. Mr. De Nopoli was held in jail two or three months for that.

So that this Volontino case that has been spoken of has been unnecessarily and so far as we could discover unwarrantably magnified, and it was possibly all due to the fact that it was seized upon by Mr. Haywood and Tressa and some of these other parties as being something that might give sympathy to their cause. And in order to make very sure of it they called upon Mrs. Modestino. I am stating now her story. They wanted to take charge of the funeral and were going to aid her in her troubles and in her embarrassment, and she let them take charge of the funeral, which was a great payment. No man, no matter what his official standing has been in this town, no matter what his philanthropic manifestation of liberality may have been toward upleading his people, has ever received in this city such a pageant at the last rites as was tendered to Mr. Modestino. And afterwards it was attempted, as you know, to be reproduced in New York.

Mrs. Modestino was left with three little children, and she had a child born to her a couple of months after Mr. Modestino died. That crowd never went once or near Mrs. Modestino to give her a mouthful or a spoonful to eat. They never tendered her assistance or help of any kind, and to-day two of her children are being taken care of by the Society for the Protection of Children, which just gave this little entertainment to raise money through the Dolly-Jones circus. Two are being taken care of in that home. One of them is being taken care of in the Catholic Orphan Asylum under the supervision of Father McNulty, and the other is being assisted by Father Stein, and Mrs. Modestino was obliged yesterday to go to the hospital because of her wound.

MR. THOMPSON. There were about 25,000 people out on strike, were there not?

MR. DUNN. Yes, sir.

MR. THOMPSON. From your knowledge of the strike would you say it was a peaceful strike or one with great disorder in it?

MR. DUNN. I would not call it a peaceful strike. I have participated in peaceful strikes heretofore, and formerly before I was city counsel and before I was prosecutor used to represent the labor people. We never had such depredations during those times as transpired at these times, and this is the first time we have ever had in our midst a foreign element that seems to have no moral motive or moral policy on which an adjustment of differences should be based.

MR. THOMPSON. Then, in your opinion this was rather a violent or disorderly strike?

MR. DUNN. I would so call it.

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MR. THOMPSON. That is all, Mr. Chairman.

Mr. THOMPSON. I want to get at your idea a little more definitely for the commission as to this spirit of a lark that you speak about. Do you mean they were unpremeditated, thoughtlessly?

Dr. McBRIDE. Thoughtlessly; yes, indeed. The thing occurred—well, it had been agitated for some time, while the papers said at a certain day at certain plants the employees would cease work and come out. Nobody—that was the first time anything of that kind had occurred in Paterson, and they thought it would probably result in one or two mills, that there would not be any general strike, and lots of the employees came out laughing and singing and on a real lark.

Mr. THOMPSON. Well, then, after these people—many of the people who came out on a real lark thoughtlessly and were out of work, then they stayed out purposely?

Dr. McBRIDE. Yes.

Mr. THOMPSON. Now, what, in your opinion, were the causes which made them stay out purposely?

Dr. McBRIDE. I think they were largely influenced by the out-of-town agitators who came here and preached to them daily for all of the time the strike was in operation.

Mr. THOMPSON. What sort of influence, Doctor, would you feel that these out-of-town agitators had in order to keep approximately 18,000 or 20,000 people away from their work if they were satisfied with it?

Dr. McBRIDE. Well, of the 18,000 or 20,000 or more people who were out on strike—

Mr. THOMPSON (interrupting). Well, assuming there were 25,000, and three-quarters went out on a lark thoughtlessly, that would make about 18,000 or 20,000; now, of those 18,000 or 20,000 who went out thoughtlessly at first but who finally stayed out for many weeks, I would like to know what influence, in your opinion, the agitators would have in influencing 18,000 or 20,000 people to stay out of work for weeks, from work, the wages and conditions of which were satisfactory to the workers?

Dr. McBRIDE. The agitators preached if there was any break in the line that of course they would be treated worse than they were before the strike began, and those who were apparently satisfied with their conditions would be brought down to a level of those who were badly treated; and the vast majority of the strikers did not take any active part in the meetings of the strikers. They rather stayed at home waiting for some solution of the trouble, and the people who were at the head of the strike preached continuously that unless there was a solid front, if there was any break, why of course conditions would remain as they were and be made worse; that in place of improved conditions, conditions would be much worse and that they would be compelled to operate four looms generally throughout the entire industry here, and that the bosses would become more arrogant and conditions would become more intolerable, and finally they would be treated just as slaves. And on the other hand, if they kept a united front, that they must positively win, and they would win, and they assured them from week to week that in a little longer time everything would be as they desired it, that everything that they asked would be given them and that, in place of being employees that they would be the employers, as they created the wealth for the manufacturers and that eventually they would be in possession of the mills.

Mr. THOMPSON. These people stayed out quite a few months?

Dr. McBRIDE. Yes; some of them five, almost.

Mr. THOMPSON. And during that time have you any idea whether they suffered for lack of money and means of living?

Dr. McBRIDE. They did.

Mr. THOMPSON. Pretty severely or not?

Dr. McBRIDE. Yes, sir; many of them very severely, indeed.

Mr. THOMPSON. And these people had been working in the mills for some time before they went out on strike?

Dr. McBRIDE. Yes.

Mr. THOMPSON. They were acquainted with the employers?

Dr. McBRIDE. Largely, I believe.

Mr. THOMPSON. But in your opinion they preferred to take the word and the say-so of outside agitators who came in at that time, and so they stayed out?

Dr. McBRIDE. Why, many of them were absolutely influenced by the preaching of the outside agitators. They believed everything that was told them, and

they worshiped them really as heroes, and you could not talk with them. In my practice, which is composed almost entirely of working people, and I have been in practice 25 years and have treated many of them for years and years and was very intimate with them, but I could not talk with them. It got so I would not discuss it with any of my patients at all.

Mr. THOMPSON. What was the attitude assumed by the city administration at the beginning of the strike?

Dr. McBRIDE. Why, the administration was concerned in the peace and order of the city entirely, and we bent every effort along that line.

Mr. THOMPSON. Did any organization, volunteer or otherwise, of citizens, assist the city administration during the progress of the strike, either in advising or otherwise?

Dr. McBRIDE. Why, yes. There were a number of committees, one appointed by myself, who endeavored to try and arrange the differences, but without success. I appointed a committee of 25 citizens, which did not include any manufacturer or any worker, composed of professional and business men, also clergymen, doctors, lawyers, and business men, all of them, who endeavored and had hearings in city hall and had both sides specify their differences or grievances, which was done, but there was no result possible.

Mr. THOMPSON. Did both sides come before this committee?

Dr. McBRIDE. Yes.

Mr. THOMPSON. How early in this strike was this committee appointed?

Dr. McBRIDE. I imagine about a month after the strike began.

Mr. THOMPSON. About the latter part of March?

Dr. McBRIDE. Yes. Other committees were appointed, too.

Mr. THOMPSON. How long did this committee meet during this time treating with both sides, if you know?

Dr. McBRIDE. Several weeks.

Mr. THOMPSON. Did they have many meetings?

Dr. McBRIDE. A number of them; yes.

Mr. THOMPSON. Did this committee have any particular name?

Dr. McBRIDE. Why, the citizens' committee.

Mr. THOMPSON. Was there any change in attitude by the city authorities during the course of the strike?

Dr. McBRIDE. No.

Mr. THOMPSON. Toward the strikers or other people?

Dr. McBRIDE. No.

Mr. THOMPSON. What organization or what class of individuals were considered in the picking of this committee? I believe you said you did not pick any manufacturers or any strikers or workers.

Dr. McBRIDE. Why, former Gov. Griggs, former Attorney General, was chairman, former Attorney General of the United States; Mr. Deyoe; Mr. Wilson, superintendent of schools; Rev. Deay McNulty; Rev. Dr. Isaacs; Rev. Dr. Hamilton; Mr. Fanning, an architect; Mr. Lynch, a contractor; Mr. Bishop, who is retired, ran mines up in the upper part of the State; Mr. Conklin, a grocer; Mr. Cleveland, a hardware merchant. These were among some of the names that I remember now. Mr. Beggs, who was a lawyer and surrogate of the county; former Judge Scott; Dr. Agnew; Dr. Johnson; and Dr. Todd were among some of the members. They were all professional and business men.

Mr. THOMPSON. What action did you take, or any other of the constituted authorities take, to assist this committee?

Dr. McBRIDE. Why, I met with the committee in the council chamber here on the night of their organization and outlined the desire of the city authorities that some peaceable solution be speedily obtained of the difficulty. I enumerated the harm that was being done to the thousands of people who were on strike, the suffering they were enduring, many of them, and the harm that was being done the name of the city, and in every way pointed out, in so far as I was able, the necessity for some amicable arrangement whereby the difficulties might be smoothed out. This committee subdivided into a number of smaller committees and held meetings in this building, where hearings were held, and both sides heard; but there did not appear to be a possibility at that time of getting either side to yield. Both sides were unruly, unyielding, and there was a lot of feeling existing on both sides, so that it was impossible to have any amicable arrangement settled upon.

Mr. THOMPSON. At any of these meetings, Doctor, who appeared for the strikers, if you recall any names?

Dr. McBRIDE. The names of the persons?

Mr. THOMPSON. Yes. Who appeared to present the strikers' case before this committee of citizens?

Dr. McBride. Deyoe was chairman of the arbitration committee. He will be a witness here. I could not recall.

Mr. THOMPSON. I mean on behalf of the workers, who appeared?

Dr. McBride. Many of the workers themselves.

Mr. THOMPSON. You don't recall any special man?

Dr. McBride. No; I do not.

Mr. THOMPSON. They did not send any leaders that you know of?

Dr. McBride. No; I don't recall any that they sent.

Mr. THOMPSON. Mr. Haywood did not appear?

Dr. McBride. No.

Mr. THOMPSON. Did Mr. Lessig appear?

Dr. McBride. I can't recall that he did. I do not recall that he did.

Mr. THOMPSON. You don't recall any particular individual appearing for the strikers before this committee?

Dr. McBride. No.

Mr. THOMPSON. What orders, if any, did you give to the police or to special deputies with reference to the action they should take during the strike?

Dr. McBride. There was a meeting. This is the contemplated action. There was a meeting that had been advertised for some time prior to the occurrence of the strike, and the night before the strike was to take place I visited the police station and conferred with the chief of police, and while there he called up the prosecutor, and had him come down at half past 11 at night, or 11 or thereabouts that night, and there had been a meeting in Turn Hall that night. This was before the strike began. And at that meeting some of the speakers, even before the strike started, began a tirade of abuse directed against the city authorities. Some of them were very bitter. Some of the attacks were very bitter. And after the prosecutor arrived we conferred, with the result that the police were directed by the chief to maintain law and order; there must not be any digression from the proper course by either the employee or the employer; that both sides must strictly adhere to the law. And that policy was continued as fairly and as impartially as it was possible during the entire course of the strike.

Mr. THOMPSON. Was the question of the coming in of outsiders taken up at all?

Dr. McBride. By the—you mean the people who came in.

Mr. THOMPSON. The outsiders?

Dr. McBride. Yes; it was taken up, and it was felt that as long as they obeyed the law they had a perfect right to come here, and they were considered in that light, and were treated as such just as long as they obeyed the law.

Mr. THOMPSON. Were any instructions given to interfere with them or prevent them coming to Paterson?

Dr. McBride. Well, there was a feeling that Paterson was much better off without some of them. That was talked over, but no action was taken.

Mr. THOMPSON. That was general public feeling?

Dr. McBride. Yes; and it was a feeling on the part of the city authorities largely that Paterson would be much better off without the outsiders, and we desired to see our own people, if possible, settle their own differences; and we believed they would be able to settle them much better and much quicker if left to themselves. The city authorities thought the people here could.

Mr. THOMPSON. Were special guards employed by any of the mills, or special deputies; and if so, what, if any, instructions were given them by the authorities, if any such were employed?

Dr. McBride. The O'Brien detectives were employed by the Weidmann Silk Dyeing Co. There were no instructions given by the authorities at all. They were sworn in as deputies by the sheriff of the county.

Mr. THOMPSON. You had nothing to do with them?

Dr. McBride. No.

Mr. THOMPSON. Nor did the city?

Dr. McBride. No.

Mr. THOMPSON. You simply know that as public knowledge?

Dr. McBride. Yes.

Mr. THOMPSON. No instruction was given to the police at all in regard to them?

Dr. McBride. Not that I know of; no, sir.

Mr. THOMPSON. And you gave none?

Dr. McBride. No, sir.

Mr. THOMPSON. What, in your opinion is the cause of the industrial unrest, if any, that exists in the city of Paterson, or did exist at that time, or have you stated it before?

Dr. McBRIDE. I think that a number of the employees were underpaid and badly treated. I don't think there is any question about that. On the other hand, a large number were satisfied with their conditions; conditions were proper and right, their employers were fair and honorable men and treated them in that light. Others, on the contrary, were not fair and did not treat their help right. That created the feeling of unrest, and a great number of the weavers were concerned particularly about the four-loom system, for fear that a number of them would be put out of employment as a consequence of adopting the four-loom system; whether they were able to operate four looms or not, they felt that was one of the causes. And they felt also if they operated four looms they should be paid for the amount of work that they turned off, just as though they were operating one loom—if they operated four looms that they should be paid four times as much as if they operated one. That is another point that caused uneasiness and a feeling of unrest.

Chairman WALSH. In your experience, Doctor, is there any suggestion that you feel you could make relating to the providing of machinery to prevent such disturbances in the future, either by the voluntary cooperation of the employers and employees, or the interposition of the Government, city or National?

Dr. McBRIDE. One suggestion I have to make, and one I made to the young man who waited on me downstairs the third day of the strike, complaining about the action of the police; I asked these men to specify some instance where the police exceeded their authority or were unlawful, and they could not, they did not. They said, "Generally." I said that is too broad; if you will specify some case or a number of cases I will certainly have them investigated, and if the police did wrong we will certainly punish them. They could not. It was just a general statement that they were all doing wrong in everything they did. Well, we discussed the situation for a long time, probably for an hour and a half, and they finally did the thing that I wanted them to, although I would not offer my advice unless asked for. They asked me what I would advise in the matter. Well, I said, now that you have asked me for my advice, I will gladly give it to you. If I were you, gentlemen, I would advocate the formation of a union of your own or some same organization of your own, and I would try to gather into that organization everybody engaged in the making of silk in the United States, and I would select from your ranks some of the brightest men and women you have to represent you, the level-headed people you have, the most intelligent you have, and I would pay them properly, and I would know just what was being done in the silk industry throughout the entire United States. I would try to make conditions equal all over, and I would not have the people in Paterson working eight hours a day and those in Pennsylvania 10 hours, or elsewhere; and I would not have them operating four looms in Paterson and only two somewhere else. I would have the conditions equal in so far as I could possibly do it.

Of course, that may seem impossible to you, gentlemen, but I think at least it is worthy of trial. They immediately began to tell me that they could not secure from their ranks anybody who was able to represent them; that is why they had the outside people to come in here and manage their affairs for them. I told them that either they thought I was a fool or that they were fools; that some of the brightest people in the world were employed in the silk mills in Paterson. That I know to be so. And able to represent anybody. And we finally could not get anywhere. They were just bent on one thing, whether right or wrong—to go ahead and follow the teachings of the men who were there then, and nothing could be done to change them from that course, from that feeling.

I believe that there ought to be equal conditions everywhere in the silk industry. I think an impartial investigation should be made to ascertain what is just and right as to hours of labor, the amount of labor to be performed, and the sanitary arrangements of the places where they work. And I think that ought to be uniform. I think it ought to exist not only in the State of New Jersey but in all States.

Chairman WALSH. That would imply, then, that there should be some national body or some machinery provided by the Government, would it?

Dr. McBRIDE. Yes; some national body, and if machinery would lighten the burden of the employee I would say yes, that should be done, too.

(Witness excused.)

TESTIMONY OF CAPT. ANDREW J. McBRIDE.

Mr. THOMPSON. Will you please state your name and address?

Capt. McBRIDE. Andrew J. McBride; 35 Jackson Street.

Mr. THOMPSON. You are captain of police?

Capt. McBRIDE. Captain of police in this city.

Mr. THOMPSON. How long have you been captain of police?

Capt. McBRIDE. I was appointed a year ago in November.

Mr. THOMPSON. A year ago in November?

Capt. McBRIDE. Yes, sir.

Mr. THOMPSON. And you were captain of police all during the strike of last year?

Capt. McBRIDE. Yes, sir.

Mr. THOMPSON. Captain, what was the size and character of the police force of Paterson prior to the strike?

Capt. McBRIDE. We had 149 members.

Chairman WALSH. How many, Captain?

Capt. McBRIDE. One hundred and forty-nine members in the department.

Mr. THOMPSON. That included the entire force?

Capt. McBRIDE. Yes, sir. They consisted of chief, 1 captain of police, 1 captain of detectives, 1 lieutenant, 13 sergeants, 3 detective sergeants, 6 detectives, and 123 patrolmen.

Mr. THOMPSON. That included all the detective squad, didn't it?

Capt. McBRIDE. Number of members in the detective squad, nine and captain.

Mr. THOMPSON. Were there any additions made to the regular force during the strike?

Capt. McBRIDE. There were. Special police and deputy sheriffs.

Mr. THOMPSON. You are speaking now more particularly of the police force of the city? How many special police were sworn in during the strike?

Capt. McBRIDE. We had about 60 additions, both deputy sheriffs and special police.

Mr. THOMPSON. How many special police did you have, if you know?

Capt. McBRIDE. Thirty-five.

Mr. THOMPSON. That would make 25 extra special deputies?

Capt. McBRIDE. Provided for by the sheriff, and paid for by the county.

Mr. THOMPSON. Under what authority were those deputies sworn in? And by whom were they paid? I mean, the police?

Capt. McBRIDE. The special police were sworn in by the recorder. The deputy sheriffs were sworn in through the sheriff. The deputy sheriffs were paid by the county, and the special police by the city.

Mr. THOMPSON. Under whose orders did the deputies act during the strike?

Capt. McBRIDE. The chief of police.

Mr. THOMPSON. Had he the same authority over them that he had over the regular force?

Capt. McBRIDE. Yes, sir.

Mr. THOMPSON. What instructions, if any, were issued by the mayor, or other responsible authorities, in reference to the action of the police and special deputies during the strike?

Capt. McBRIDE. Well, whatever the instructions were between the mayor and the chief of police, I don't know that because the chief is on his vacation now, and he is at the chiefs' convention to-day in Michigan.

Mr. THOMPSON. Were there any orders issued by the chief to the force directly as coming from the mayor?

Capt. McBRIDE. Why, he took all those new men in the recorder's court room in the evening, and instructed them in the school of instruction in police business, and made them understand that they were expected to do their duty, to protect life and property, and be very careful in getting evidence and making arrests, and be very sure they were right before they would act; that they themselves would be held individually responsible for their acts.

Mr. THOMPSON. Well, with reference to the entire force, not considering for the moment the special men what, if any, instructions were issued by the chief to the force during the strike as coming from the mayor?

Capt. McBRIDE. Well, when occasions would arise to show necessity for instructions, he instructed them as occasion would require.

Mr. THOMPSON. You don't recall those instructions now?

Capt. McBRIDE. Why, there were various instructions. Where there would be great instructions and great complaints coming in from workers, that they

could not go along without being molested, people would come to the police' headquarters and complain to myself. We would try and have a thing covered by the officers on the posts or by sending special details with them at various times. We divided the force up as best we could. Of course, it was small in number to cover the section required.

Mr. THOMPSON. Under whose orders did the detective force act during the strike, and what special instructions were issued to them then?

Capt. McBRIDE. Chief Brinson, I don't know what instructions they gave, because that was between Capt. Tracy and himself.

Mr. THOMPSON. Have you any explanation to make of the circumstances leading to the arrest of Haywood, Scott, and John Reed?

Capt. McBRIDE. Well, I could say in regard to Haywood, I had information on the Friday evening previous to the Sunday intended meeting that they had the oval hired, and they would hold a meeting there. I notified the chief in the morning when he came on duty, asked him to provide for it. It was given out in the hall, in Turn Hall, that they would have a meeting there. They were ordered to go. Lieut. Mosely was in charge in the station house on that Sunday afternoon—possibly I am going ahead of my story. A number of the representative people of the I. W. W. called on the chief and told him of their intention to hold a meeting. He said, "I will not permit a meeting on Sunday to be held in the open."

He said, "On what authority are you acting?"

"The law," he told them. He said, "You permit ball playing on Sunday." He says, "I recognize the board of aldermen as the governing body, and they have the power to make ordinances that provide to allow that." He says, "You allow the Holy Name to parade on Sunday." The chief said, "Yes; but I won't permit a circus to parade on Sunday."

They said in answer to that, "Well, we did not come here to make trouble, and we want to be agreeable, and we will send out scouts to-morrow morning and try to intercept those that would attempt to go to that meeting."

This visit to the police was after the papers had gone to press, and it was announced that the meeting was to be held. We couldn't call another meeting to notify them, and the chief told me, realizing that that was only an excuse to have the leaders gather, no matter what leaders—where the leaders go the crowd will follow. To prevent that he said; "I have counseled peace and quietness and no bloodshed in this strike, and I warn your leaders to get away from the oval to-morrow. I ask no assistance from you and don't want it. We will take care of the situation."

The result was the leaders went up there just the same; the crowd followed. Lieut. Mosely was in charge in the afternoon, and he sent Sergt. Fitzpatrick with two or three men up there to see that there would be no meeting held. The crowd gathered so large before the leaders came, and when the leaders assembled, why, particularly Mr. Haywood, and, I understand, Lessig was there, the sergeant told—oh, the sergeant thought that possibly he did not have sufficient force to cope with the situation correctly, and he phoned down for help to disperse the crowd when he chose to do so. The lieutenant sent up the wagon with Sergt. Ryan and about six or eight men, I think. But in the meantime he was able to disperse them, and the throng went on, and the sergeant, of course, was ordered to remain on the ground—Sergt. Fitzpatrick—to see that there would be no attempt at making a speech there; so, of course, he remained there, and told Sergt. Ryan that he better proceed with the wagon and squad and see what might turn out with that mob that went down in his direction, out of sight. As a result, Sergt. Ryan told me that when they got at Haledon Avenue the mob was marching in the streets, on the sidewalk, more or less disorder, the people couldn't pass orderly on the sidewalks coming in the opposite direction, and to stop the commotions of that kind, as the leaders had been warned not to go there, he decided, for the peace of the community on Sunday, he would take them in, which he did.

As you are possibly aware of the arrest of Haywood through the courts; I was not up there and did not keep in touch with it.

Mr. THOMPSON. In regard to the arrest of John Reed, do you recall anything about that?

Capt. McBRIDE. John Reed?

Mr. THOMPSON. Or of Alexander Scott?

Capt. McBRIDE. John Reed, arrested by Edward McCormick April 28, 7.22 in the morning; charge, being a disorderly person. That occurrence happened on Van Houten Street, opposite where all the large mills are. It is a thickly set-

tled population of Italians; all Italians in that neighborhood, practically, and they are very old-time, neat houses, according to the old architecture; there are some very old stoops, old-fashioned, and hold a number of people, and it had been the worst place that we had to contend with for disorder from the Edison Works down to Mill Street during the strike. They would gather in large numbers on the stoops, huss, and insult, and at sometimes stone people; look around, you couldn't see. Of course, we didn't have so many police there; we had to distribute them around the different parts of the city.

Edward McCormick is a fine, decent, level-headed, careful policeman, and a great sympathizer as a labor man. He ordered them to get off that step. This man Reed, whom he never saw, to his knowledge, before, or knew, he seemed to become the spokesman of the crowd; he refused. He said, "If you don't get off and go about your business, I will arrest you." He says, "I came here for that purpose." Of course, he didn't know that he was from out of town at the time, and McCormick is a very determined fellow, perfectly fearless, but sympathetic, but he did his duty when required to do it; I can assure you of that. He took him to the box and had quite a scene, and sent him in; and, of course, all the New York newspapers were phoning all day about Reed's arrest. He was a newspaper man. We had more inquiries about him than about Haywood all through the strike. That was, I claim, a good deal of the cause of the New York papers making a burlesque out of the action of the police on every occasion—the arrest of John Reed. He was the promoter of that agent, I believe, down there in Madison Square Garden for the I. W. W., and was, from all I could learn, affiliated in every way with them—one of the indirect leaders, managers.

Mr. THOMPSON. Referring to the Alexander Scott case.

Capt. MCBRIDE. Mr. Scott—I was about sending out the night forces, which were small at the time—

Chairman WALSH (interrupting). Captain, I guess we might desist now. You will be recalled at 2 o'clock.

The commission will now adjourn until 2 o'clock sharp.

(Whereupon, at 12.30 o'clock p. m., the commission adjourned, to meet again at 2 o'clock.)

AFTER RECESS—2 O'CLOCK P. M.

Chairman WALSH. Capt. McBride, please resume the stand. You were just referring to the Alexander Scott case when we adjourned.

Capt. MCBRIDE. Scott was arrested by Sergt. Lord February 28 in the auditorium on Ellison Street, at a meeting held there by the labor people that night, and which Mr. Scott had addressed. He was arrested by Sergt. Lord on a warrant issued on the complaint of Chief Binson, charging criminal libel. He was not arrested until after the meeting was finished. It was announced from the platform that he was arrested. The howling mob that followed threatening violence, kicking the detectives that surrounded Sergt. Lord, and firing missiles at them. The sergeant and squad were prevented from coming direct to the station house down Ellison Street, which was the nearest way. They had to take down Church Street as a subterfuge and up Van Houten to Washington; thence back up to the station. When they reached Ellison and Church the crowd became threatening and demonstrative and abusive. A number of them, when they seen them take down that direction, they shouted, "We will prevent them from locking him up by heading them off," and the mob divided. As it happened, luckily, as I was on night duty all the time during the strike—and that was my tour of duty in addition to the extra duty I did half of the day—I was about sending out the night squads, knew nothing of the arrest; did not know they had a warrant or were going to make the arrest. There was two sergeants in charge of the city, with two squads going out the alleyway out of the police station. Sergt. Ryan, with a squad, had just turned to go uptown. Sergt. College, with his squad, turned down Ellison, north, to go downtown. They met both mobs, and they seen and heard by their actions—there was no trouble to determine what was the trouble. They had to start right in and disperse them with violence, and even with all that, when they came into the station house, the station house became filled and thronged with people, denouncing the arrest by Sergt. Lord legally on a warrant in the open, did not disturb the meeting, did not do as he might have done, as Mr. Scott said he fooled the police in Passaic because he was going to speak there that night. As to that I don't know; but he did not take any mean advantage of them. They simply executed their authority at a nice time, without provoking any unnecessary

feeling. And it was one of the luckiest things during the strike, in my judgment and in the judgment of the people that were passing at the time—disinterested citizens—that those two squads of policemen were present and the detectives, who are trained and attached to the department for some time; that is, Sergeants Lord and Kepler and Connell. It was their judgment that it was a very fortunate thing for the detective department that the police were there, handy, without any previous arrangement; just was lucky. That is the arrest that he would have you understand was an outrage on justice.

And he spoke of Nat Love's arrest.

Chairman WALSH. Whose?

Capt. McBRIDE. Officer Love's arrest. Officer Love was sent out from the station house, as was customary, about 5.30 or 5.35 or 5.40, to the corner of West Street and the river to escort some people who had been threatened and had complained to us, up to about North Seventh Street and Temple. He was ordered then to report, after making that escort, to Sergeant Coyle at the Bamford mill, which is located on Cliff Street near Belmont Avenue. When he arrived there he saw a large crowd on Belmont Avenue, directly opposite Cliff Street about, waiting to make a demonstration when the workers would come out that were working in that mill. There were some in that mill; some of the hands were on strike and some were not, but the effort of the organization was to get all hands out. They even went so far one time as to declare that everybody in the building, even the watchmen, must get out. They even threatened the watchmen with Black Hand letters, signed by the I. W. W., which was presented to me, for fear that the mill would be blown up at the Brown Dye Works, and that if they did not leave—if he did not leave he would be killed in two days. Four days later, I believe, the mill was—shots fired into it for to intimidate—you couldn't make anything else out of it. There was the previous warning. It is pretty hard to keep a man in a mill alone when they are in an outlying district, without any people passing by and not very well lighted, and all those things are put up to the police; we can't ignore them. It was our duty to protect life and property, as the chief has continuously explained to the officers. People have a right to walk the streets peacefully without annoyance or insult.

When officer Love reported to Sergeant Coyle, the sergeant said, "We will have to disperse this mob now before there can possibly be any trouble." He asked them all to disperse. With some effort and difficulty they got them dispersed without any trouble, from going toward Haledon and part toward the city, toward Hamburg Avenue, which crosses Belmont. When the part of the crowd that was going toward Belmont Avenue arrived at that place the sergeant and the officer observed people running up Hamburg Avenue toward Union. He asked officer Love to go down there and see what might be the trouble. The officer, who was young and athletic, very cool fellow, he makes haste and gets down, and as he gets there he sees this throng turn up Union Avenue; he sees Officer Stapleton on the corner pulling the box to headquarters. He didn't know the nature of the trouble then. He gets up one block on Union Avenue to the corner of Marion Street; he sees those two men that he recognized, or some men that were going to their home on Totowa Avenue, and it was in Marion Street and this throng followed. Officer Love was in plain clothes, recollect, escorting people in the beginning. He warned the people that he was an officer and that they must not annoy or bother those people. They grappled with him at once and they threw him. You heard it mentioned here that he pulled his stick and beat them. He was a fearless fellow, but he uses judgment and tact, and he did in that case.

I can prove that by two witnesses here, who were present on the car and seen the occurrence. They threw him, and he didn't know where he was, but being athletic—oh, he didn't attempt to pull his club he said, because he knew there were so many, and so violent with their actions in kicking and punching, and he had scars over his face from those punches; he grabs a number by the legs and throws them and gets down and backs up against the wall. He was then roughly handled again. One grabbed him by the throat, several punched him; one young fellow kicked him like toward his privates, but he just escaped that, as if he had he would probably have been down unconscious; he realized that if he could get his back against the wall he could use his fists, and that was all he did until it came so bad he pulled his gun and threatened them, and they still kept on; and this fellow that grabbed him by the throat he shot him in the leg, as he supposed, and the man that

made all this complaint—Veterinary Surgeon Cooper his name is—I have never met him, I have seen him on the platform several times at the Water Street meetings of the I. W. W., evenings, he was the one who made all that complaint.

This man who the officer believes he shot, because he seen traces of blood on the sidewalk afterwards, he never made any appearance about that assault, the man who got shot. The fellow who had him by the throat, he recognized him as Stapleton, came along pulling the box for help, and he had passed by Stapleton, but one fellow that he seen assaulted him, and he got him by the throat and there was two other fellows arrested. I think I have their names here: Frank Bruno was one who was locked up as a disorderly person by Sergt. Coyle, about 6.01 p. m. he was brought to the station house, charged as a disorderly person. He gave his residence as 233 Mulberry Street, New York. We had learned through the New York police that he was connected with that waiters' and barbers' strike which created such a demonstration for violence in New York at that time. Quite a strapping, husky fellow. I saw him in the cell.

Another was Pellegrino Pezzanni, of 153 North Fifth Street. He was charged by Officer Love with assault and battery. The recorder allowed him to go on his own bail. William Van Ent, of 284 North Ninth Street, was also charged with assault and battery by Love. He was committed to jail in default of bail. I don't know how long he stayed there. Most all of them got out in a short time.

The other was Cervino Grund, of 659 North Tenth Street, charged with assault and battery by Love. Also committed.

This Dr. Cooper, the veterinary surgeon, who was said to have no office that anybody knew of, and who drives a wagon for the Hessler Laundry Co., or did at that time—I haven't any record of what he has been doing since—that is the man who would have the public understand that this officer exceeded his authority. He was sent out by Lieut. Moseley on duty; he did his duty in the open, and there were not any witnesses present except those who were in the mob who never testify in behalf of policemen in troubles of that kind. And it has been my experience there to see them sweating to all kinds of things before the recorder, in cases that I have known myself that they were testifying untruths, knowingly, many cases.

In regard to that man that was shot down on Fifth Avenue, who worked in the tile shop. They did not tell you there was a riot down there before that shooting took place. There was a saloon on the corner which was frequented, and at hundreds and at times thousands of people around there, particularly mornings and evenings. On that occasion there were a number of beer boxes on the stoop—there is a large stoop outside the saloon. Those beer boxes were filled with empty beer bottles. There were some of those O'Brien detectives, as they are called, or specials, going to guard houses, going to take a car at that corner to go to guard the houses that they were paid for, \$5 a night each, that a boss or a foreman that might be working in the shop would not be bothered, would not be worried to death for fear that his family would have the house blown up on him, house stoned in his absence. As I had numerous letters from people who were threatened, and personal complaints to the station house to provide protection for their families, we did the best we could, but our department could not go around. We were glad that the manufacturers were good enough to pay their money to help protect their plants, protect those people's houses and assist us.

We realize that the detectives were a despised body of men by the strikers during strike time. Even our own policemen despises them, because the presence of them are a source of danger. I have had to tell the officers time and again when I went into complaints with them that every person, according to law, is entitled to walk the street peaceably. Naturally, because those people are detectives or watchmen for the firm, or watching private houses, they must have the same right as others.

I tried as forcibly as I could to make our men understand that they had to protect them as well as others. And it should be more so, because they were sworn to protect life and property and keep the peace.

Mind you, I had a great deal of difficulty in making them understand that. It had to be individual cases that I had to cite to them, to show them where they were taking the shortest way to make the peace for the little trouble that was put up to them at that time.

Mind you, the police all sympathize with the laboring men and women in getting better conditions, but when it becomes that there is a war in the town they have to take the side of defending law and order and protecting life and property, positively, without any fear of consequences or what people may think about the situation, when they know they are right and the evidence is so plain, under all conditions, they must go to the front. And I want to say that they did that splendidly and honestly in this case in the last strike. They did splendid service. They were well encouraged, and what possibly made it so easy was the terrible effort made on the part of the strikers the first morning of the strike to make the success of the police work possible. They practically declared open war in Turn Hall the first morning by Quinlan having a resolution passed to leave that hall in a body and march through the streets to the different mills, that did not see fit to come out like those assembled, and drive them out. When that message came to Chief Bunson, and I was there, from Capt. Tracy, who was in the hall with the whole detective department, I said, "Chief, there never was a plainer declaration of war issued, and our late Chief Groehl has always said in addressing his men that it is the duty of the police to prevent trouble rather than wait until trouble gets too great." In other words, he cited instances of men patrolling at night, discovering a man attempting to enter or break in a place, that it is his duty to get the man for the lesser offense rather than to wait until he breaks in and robs the place and comes out and get him. His chances for reform is much easier and simpler and more possible by reason of the lesser charge, and it is our duty to prevent crime.

The chief, in answer to that telephone communication from Captain of Detectives Tracy, he proceeded with the department to Turn Hall with Lieut. Mosley. He ordered me to remain in the house in charge. I called his attention to the fact that Sergt. Rickert was there in charge, and there was practically nobody in the house but the door man, desk man, and sergeant, and the assistant in reserve, two empty wagons. I received a telephone message from Traffic Officer McGuirk, possibly half an hour after he left the hall, that two plain-clothes detectives which were assigned that morning, Parella and Lewin, which was sent from Turn Hall to follow the crowd that went south to Cross Street and afterwards got into Main Street, had formed a procession which the chief had went down to prevent at Turn Hall with the department.

It is the law in first and second class cities in this State that no processions can parade the street without a permit from the chief of police. It is his duty and his judgment to know whether it is lawful, or legal, or wise to have a parade. He never refuses anything that is asked and, of course they don't usually ask anything unreasonable. In this case they did not ask.

The first morning of the strike, as I say, they declared war the first morning. They put the police on their mettle, and in my judgment that is the cause of the success of the police. They realize where they got off at, as the fellow says, first crack out of the box.

And while they were patient in many cases—

Oh, when I asked the desk officer to telephone that message from Traffic Officer McGuirk that the crowd had begun marching in an organized body up Main Street toward Lake View, toward Doherty's, and the rumor was that they were going to take Doherty's among the crowd, why, I knew that Doherty's was closed down for that day, and that was possibly a ruse to have us think they were not going to do anything in our city. And I realized that one, two, or five minutes might make a lot of trouble, because when they go to mills and surround them, and there are a few stones thrown, their hands become fearful—that is, they may get injured, and they don't want to be considered scabs in the mill—out like a lot of sheep, quick. So it was to get quick action to prevent an epidemic like that that I tried to get information to the chief promptly. The desk sergeant was unable to get Turn Hall. Tried on two occasions. I thought possibly it might be some prearranged plan of the strikers, through the telephone system, to delay five minutes for damage, and I tried it myself, and I got Turn Hall without any difficulty, and in order that they would not delay and say that they could not find the chief or some officer, I said, "Would you kindly step outside the door and ask any policeman to come to this phone? This is Capt. McBride wants to speak to them." Capt. Tracy happened to come to the phone quick. I told him of the report of Officer McGuirk, of the two of his men that he had sent after the crowd, and he thought that they had everything under control down there, but I said, "Captain, remember, you have them busy down there, but you don't know what is happening up above. Your men are calling for help, that they are powerless to control the

mob. Wait until I consult the chief. Let me send you down the wagons; delay is dangerous. Just wait until I consult the chief." He consulted the chief, and both wagons were sent down, and the chief, with Sergt. Draper, and, I think, Sergt. Fitzpatrick, with wagons loaded, both wagons loaded with men, went after the mob, and four mounted men who were mounted on horses were ordered ahead. They rushed up Main Street and they had gotten a half a mile distance before they came up with them. They had then stoned the Jansen & Pretzfeld mill, and some of them had passed by the superintendent and the two plain-clothes men, and entered the mill. The mob jeered the police, hooted at them, instead of desisting or breaking up. So much so that Sergt. Draper said to the chief, "Isn't it pretty near time to get busy?" and the chief ordered them to charge and disperse the crowd, and they dispersed them with some effort.

Of course, they ran when they could and used the baton on their backs.

They will tell you about it being a peaceful strike. To my mind, that was the plainest declaration of war that was ever written, that they would parade the street in violation of law, and throw the people out of the works, which they attempted to do, until they were prevented by two auto loads of police. I would say, too, that the facilities that we had with automobiles was more than helpful to us. Had it not been for them we could not have gotten along. We could never have made the time. Between the telephone and the automobiles and the willingness of the men to work, is what made the thing successful.

They were quite good and peaceful after that for a couple of weeks, and as I always claim they showed their hand what they intended to do to drive them out to walk the streets the first morning. Now we have had strikes before and I have been 28½ years in the police business in this city, and I have never seen any such tactics used in any strike. They went out in a businesslike way with just demands and tried peaceful means and influential means, and occasionally when agitators did come in—they once did catch us when we hadn't any reserve in the station house, didn't know there was going to be a meeting. That is some 10 or 12 years ago, possibly 15, but that learned us a lesson to keep on guard. They had the chief up on charges for not handling the situation correctly. The men for the first month had to work practically night and day and were worked out until the commission gave us 10 men off the civil-service list. That is, the chief requested those who had not good positions or were willing to serve, that they would be accepted first. So we had 10 of them. The rest were busily engaged at better employment, and there was no guarantee how long the job would last, and it was not a pleasant one. Then the commission empowered the chief to hire 25 other men, and he asked the different sergeants to suggest responsible people to him, which they did. He asked me as well and at the time I really couldn't give him the name of a man that was out of work that I could think of that I could recommend. But we got the number and they did fine work, those specials—they did fine, honest work and intelligent work.

Chairman WALSH. How many were there?

Capt. McBRIDE. We had altogether 60 doing night duty and they assisted us in trying to keep mobs from assaulting the workers around the mills or avenues leading to the mills around about 7 o'clock in the morning; and then their services were dispensed with about 8 until the same evening at 8 o'clock when they would go on night duty patrolling the city to guard the houses. We had possibly during the strike 40 to 50 houses stoned belonging principally to bosses and people who worked, who had been threatened by letter or by persons in numbers that they did not know—mostly foreigners—that if they did not desist from work something would happen to their families. There were some of the houses stoned five times—the same houses. There were the two Searing girls lived on Main Street, around Clay. They were working, I think, in the Strange mill. They went to work every morning with the mob insulting them and shouting at them; never stopped during the strike, and their house was stoned five times. And stoning a house is one of the simplest things to do without being detected. An ordinary man can walk along with a few stones in his pocket as though he were on business, and in many cases the police have heard sounds and come back and there was no proof on the man who threw it. He was looking for the man who threw the stone. He heard the noise as well as the rest, so we couldn't prove it; couldn't prove that the stone in the house had been in his possession and that he pulled it out of his pocket and hurled it. That was all there was to it.

There were several bombs blown off at houses and mills. I notice particularly, being on the night tour all the time, that bombs were always discharged

at night; where we would have notice that a number were likely to break and wanted to go to work—they always started on Monday—and Sunday night there would be a bomb go off in that neighborhood to terrify those not to go to work, and it would have its effect. Some were willing, but there would be so many timid ones that would not. I told the chief of police in the midst of the strike that there ought to be 2,000 militia in Paterson. He says: "Why, we are able to handle the situation; have been able to cope with all the violations." I said, "Yes, but remember the tactics of the I. W. W. are different from the tactics of all other organizations in strikes, and it is up to us to meet the requirements and devise ways and means to protect life and property and to make it possible for any citizen to walk the streets without being in fear and terror in doing what he chooses in a lawful manner." Now, I said, "The presence of the militia on the different corners would give more hope to a person walking that he would have some protection, have somebody to shout to or look to in case of attack." The presence of the police, except in a terrible croud and when there is only a small number of police, prevents crime—prevents trouble.

Then they talk of them halls being closed. The prosecutor had a stenographer by the name of Sidney Turner. It was found absolutely necessary to have a stenographer take notes of the meetings, because they would phrase the sentences differently by the omission or addition of one or two words so as to make the thing seem reasonable so that they could get away with it—something ridiculous in the line of language. The most horrifying language they could use and evade the law was used. Of course to the very intelligent man who thought that would not have any very great effect on them; but the ordinary foreigner who would hear a man saying: "I want you to have a thousand men down on that picket line in the morning—be there in such force, or the noon hour, that it will be impossible for those people to go into work; and if they attempt to go in don't let them in. Drive them away. If it is a distance where they are on cars get on the car and stop the car before getting there, and, if necessary, run the car." And then they would say, "And when you go on that picket line"—it is not one of the agitators that would say that, but all of them at different times; they did not say it at every meeting, but to spur them up occasionally when they were quieting down, two or three meetings a week, or maybe two or maybe one grand rally in the week—"when you go on that picket line be sure and have your gun. Never go without your gun." That would be the way that it would be impressed, "And when you get there don't forget to use your gun." And the poor foreigners would look around to see the police and see how they would stand for such things; and then the speaker would pull out the due book and refer to that as the gun, but would repeat it in a low voice, that that was the gun referred to, but he would not make that too plain so that too many people would understand it in the right sense. All those things had a demoralizing influence on the people and destroyed their respect for the law; and instead of educating those poor earnest and honest foreigners they were demoralizing them and making the American citizen look on them with disrespect.

Now, then, they started the strike. The previous week it was decided that the strike should start at 7 o'clock, I think, Tuesday morning, February 25. The orders were in the papers issued from the meeting. "You will all go to work in your mills at 7 o'clock and at 8 leave the mill and proceed in a body to your headquarters, Turn Hall." Now, it has been our experience from the first day with the complaints and it would seem like the purpose of that order was to give them the legal right to leave the mills in a large body the same as they would leave a circus in a large body or a church in a large body; and then they would not have the police to keep them from serenading the mill and keep it from being stoned, and which they did. In one morning we had several telephone complaints of their serenading the mills, and in only two cases in all the mills south of Market, by which I mean from Lincoln Bridge to Cedar Long Bridge, all south of there the records of our men show that there were 44 men—44 people—that came out from work the first day of the strike. To my mind it did not show that they wanted to strike. It showed that the leaders came here and declared a strike and adopted tactics to get them out by this sort of methods and by serenading and hollering and throwing stones to intimidate the workers. As quick as two or three leave the rest will all leave, because they don't want to be considered scabs by staying. We have been warned by people working in the mill that if we stayed around there they would leave work; that they did not want to work in a mill which was

at night; where we would have notice that a number were likely to break and wanted to go to work—they always started on Monday—and Sunday night there would be a bomb go off in that neighborhood to terrify those not to go to work, and it would have its effect. Some were willing, but there would be so many timid ones that would not. I told the chief of police in the midst of the strike that there ought to be 2,000 militia in Paterson. He says: "Why, we are able to handle the situation; have been able to cope with all the violations." I said, "Yes, but remember the tactics of the I. W. W. are different from the tactics of all other organizations in strikes, and it is up to us to meet the requirements and devise ways and means to protect life and property and to make it possible for any citizen to walk the streets without being in fear and terror in doing what he chooses in a lawful manner." Now, I said, "The presence of the militia on the different corners would give more hope to a person walking that he would have some protection, have somebody to shout to or look to in case of attack." The presence of the police, except in a terrible croud and when there is only a small number of police, prevents crime—prevents trouble.

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Now, then, they started the strike. The previous week it was decided that the strike should start at 7 o'clock, I think, Tuesday morning, February 25. The orders were in the papers issued from the meeting. "You will all go to work in your mills at 7 o'clock and at 8 leave the mill and proceed in a body to your headquarters, Turn Hall." Now, it has been our experience from the first day with the complaints and it would seem like the purpose of that order was to give them the legal right to leave the mills in a large body the same as they would leave a circus in a large body or a church in a large body; and then they would not have the police to keep them from serenading the mill and keep it from being stoned, and which they did. In one morning we had several telephone complaints of their serenading the mills, and in only two cases in all the mills south of Market, by which I mean from Lincoln Bridge to Cedar Long Bridge, all south of there the records of our men show that there were 44 men—44 people—that came out from work the first day of the strike. To my mind it did not show that they wanted to strike. It showed that the leaders came here and declared a strike and adopted tactics to get them out by this sort of methods and by serenading and hollering and throwing stones to intimidate the workers. As quick as two or three leave the rest will all leave, because they don't want to be considered scabs by staying. We have been warned by people working in the mill that if we stayed around there they would leave work; that they did not want to work in a mill which was

That afternoon they held their meeting in Haledon, where they are pretty near all Socialists, or those who are not are so few that they have very little to say; that they can not say a thing—useless. They went up there and, as Mr. Scott would have you believe, everybody in Haledon was peaceful; there never was no trouble in Haledon. They have got one little policeman there who they call a policeman. He says there was no trouble, but he didn't tell me that. He was continually handicapped; he could do nothing; they were all against him; and he was only one man; and whenever deputies were appointed they were all Socialists and attempted to lock up our detectives for being in that borough.

On that afternoon the halls were closed they went up to that meeting. There were supposed to be 15,000, because the closing of the halls made quite a noise around; created quite a lot of hatred and ill feeling among the workers; and they went up there, I suppose, in great numbers to see what was likely to be the outcome of the next move.

The detectives were ordered out of there by the councilmen, and the councilmen ordered them to lock up Sergt. Lloyd for carrying a revolver. The sergeant said, "I have always carried that, as my rules call for, and I will always carry it as long as I am a policeman." He went to the mayor, and the mayor told all the detectives that he would not guarantee the safety for their lives there 10 minutes. There were stones thrown—a very large number of crowds to start a riot, apparently purposely there, because the meetings were held on the public street and adjoining vacant land there. Nothing private about it. Anybody could walk there. You couldn't see why the policemen for Paterson, who have rights and powers to make arrests throughout the United States when he has a warrant properly certified, had not the right to be there as well as any place else, and their purpose in going there was to guard the stenographer. They were going there to guard the rights of the people in regard to any business that was going on in our city, which it was necessary we should keep in touch with.

The chief was communicated with and he ordered them home. They evidently took the rights of a person being there. Our chief—our old chief—on many occasions has told us that a prostitute has a perfect right to walk the streets so long as they behave themselves; so has a burglar.

I didn't see why a policeman had not the right to protect a stenographer to take the minutes of the meeting. If the mayor of Paterson had ordered them out, it would have been in the papers of Italy to-morrow morning and all over the United States; that I feel quite certain about.

Now, in regard to that riot down there, where this man from the fire works was killed, or shot in the back, in a little store at 132 Fifth Avenue, about 500 feet from the corner of River Street, where the cars run, and where the mobs assembled in front of that saloon with a stoop on it. There were some private detectives of O'Brien's going to that car between 5 and 6 o'clock, as was their custom every night, Sunday included. When they reached the corner the car had not quite come. The crowd became so demonstrative and abusive and fired some missiles they thought it wiser to go back to the Weidmann plant, their headquarters, which was about 1,000 feet down the street. They went back. The crowd had gathered, so a couple detectives gathered, and somebody telephoned for the wagon and Sergt. Alsott came down with about 10 reserves and cleaned the sidewalks—apparently, the streets. A half hour later those people from the works that were to go to watch those houses were late. They thought everything was quiet, or seemingly so, but you could never tell when it was quiet in that section, because they are all foreigners who live there—all Italians, and some Polish down around the other end, and some Hungarians and some Belgians. While they came back with one of the O'Brien men—I think the officer in charge was called Dowd, a fine, clever, cool fellow. Sergt. Fitzpatrick, who knew him, said he is a very decent fellow, an ex-policeman in Newark, who was dismissed from the service for drink, but otherwise was a fine officer, cool fellow, charitable, and careful.

Those crowds were afraid to their work and, of course, it was his duty to try and allay their fears. He said, "Boys, we will go up there and the chances are there will be no trouble, and to show you there won't I will go with you in such numbers as will be safe, get you on a car, and the car would fly along and they would be reasonably safe."

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Capt. McBride. He was arrested at Haledon Avenue.

Mr. Thompson. Is that the only place?

Capt. McBride. Coming from the——

Mr. Thompson (interrupting). Is that the only place?

Capt. McBride. The only time I know of. I have that record here, the date, if you wish it.

Mr. Thompson. Were any other people coming from the outside arrested?

Any other people connected with the strike on the part of the strikers?

Capt. McBride. At that time?

Mr. Thompson. Or at any time during the strike?

Capt. McBride. Coming from the outside?

Mr. Thompson. Yes.

Chairman WALSH. For instance, were any persons arrested as they got off trains before they had given any expression at all?

Capt. McBride. No.

Chairman WALSH. Was Mr. Haywood arrested at any time at the station?

Capt. McBride. Oh, Mr. Haywood was arrested in Passaic once.

Chairman WALSH. Where?

Capt. McBride. In Passaic, on a warrant, and taken by automobile or trolley, I don't remember which, to the county jail. I think by automobile.

Chairman WALSH. Was it an officer from Paterson that arrested him?

Capt. McBride. I think so, with the assistance of the officer in Passaic.

Mr. Thompson. Do you know what the warrant was? What the charge was?

Capt. McBride. I don't know—but I know that they expected to make a terrible demonstration at the train when he was arrested, and to avoid that demonstration they had him arrested in Passaic. The crowd was so disappointed they came down and serenaded us and started a racket down in front of the police station there, so our men had to go out and disperse them with the sticks.

Mr. Thompson. It was true, then, they had a warrant out for his arrest?

Capt. McBride. Yes, sir; it was in the papers.

Mr. Thompson. Do you know what the charge was at that time?

Capt. McBride. I don't recollect.

Mr. Thompson. You don't recollect?

Capt. McBride. No, sir.

Mr. Thompson. It was something that had occurred before that?

Capt. McBride. Something that had occurred before that. Oh, yes; he was arrested on a warrant.

Mr. Thompson. Do you know anything about the arrest of Rudolph Katz?

Capt. McBride. Yes.

Mr. Thompson. That was not during this strike?

Capt. McBride. During this strike?

Mr. Thompson. During this strike?

Capt. McBride. No, sir; not during the last strike. Mr. Katz had nothing to do with the strike this time, as far as I know.

Mr. Thompson. You may tell us, as briefly as you can, Captain, about his arrest.

Capt. McBride. I know that he testified here the other morning that he was arrested by an officer, by Sergt. Nolan, whom he said is now dead, as he alighted from the car on Clay Street. He said he was railroaded for six months without a trial, or without a formal charge. I am looking for the date. I find on our books, and I recollect the time, that he was arrested by William Taylor instead of Sergt. Nolan, and the complaint was made by William Taylor. He said he no sooner alighted off the car than he was grabbed. He shook hands with one man, as I understood his testimony, and was arrested. Officer Taylor saw him say to the crowds of people, "Don't go into work" after getting on the car. "Don't go into work; there is a strike there." The people complained to him they were working in the main, because in that Reinhart mill, and they were not on strike. Some of the firms were on strike and others were not. A lot of people did not want to be annoyed, but, of course, they wanted them all out. The third person that complained—Officer Taylor went and arrested him. I am just looking for that date. I have it here somewhere.

"Rudolph Katz, May 31, 1912, at 7 a. m. Arrested by Officer William Taylor, near the Reinhart mill, Clay Street, charged as a disorderly person." He was given six months in the county jail. He was tried before the recorder, and Officer Taylor told me that there was witnesses testified, and the trial

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lasted nearly half an hour, and there was a great demonstration in front of the police station before and after the time. I will say, though, in justice to Mr. Katz, that in Mr. Katz strike, in my judgment, it was a very peaceful strike.

Mr. THOMPSON. Did he serve six months, Captain?

Capt. McBRIDE. No, sir; he did not; he did not serve half of the time. He preached peace all of the time. It was my duty as sergeant of police at that time to be assigned to the different halls when I was on nights, and Sergt. Coyle, who would be on the opposite shift, we took one night on as patrol sergeant.

Mr. THOMPSON. Did he serve over two months?

Capt. McBRIDE. I think he served nearly three months. But he preached peace and quietness and to keep away from the mills.

Mr. THOMPSON. That is all I have, Captain.

Chairman WALSH. That is all, thank you, Captain.

Call the next.

Capt. McBRIDE. Mr. Chairman, I have the number of arrests here that was arrested. The number is quite different from what I see given. The total number of arrests here is twenty-three hundred and something.

Chairman WALSH. It is just on one page, is it?

Capt. McBRIDE. On a separate slip by itself.

Chairman WALSH. Read it into the record.

Capt. McBRIDE. Arrests during the strike of 1913; February, 119; March, 281; April, 628; May, 591; June, 374; July, 245; total, 2,338.

Chairman WALSH. That just refers to disturbances growing out of the strike?

Capt. McBRIDE. Yes, sir.

Chairman WALSH. Thank you very much.

Mr. THOMPSON. I will call Mr. Deyoe.

(No response.)

Capt. McBRIDE. I would like to state, Mr. Katz's case is still pending; it is not finished yet.

Chairman WALSH. Thank you.

TESTIMONY OF MR. LOUIS MAGNET.

Mr. THOMPSON. Will you give us your name and address and your occupation?

Mr. MAGNET. Louis Magnet, 853 Market Street, Paterson, N. J. At the present time a silk ribbon weaver.

Mr. THOMPSON. How long have you been a silk ribbon weaver here?

Mr. MAGNET. On and off for about 22 years.

Mr. THOMPSON. About 22 years?

Mr. MAGNET. I did not follow up the operation continuously.

Mr. THOMPSON. Were you engaged in that occupation during the strike?

Mr. MAGNET. Yes, sir.

Mr. THOMPSON. Where did you work then?

Mr. MAGNET. Sweeney Co., silk-ribbon manufacturers.

Mr. THOMPSON. Were you out on a strike?

Mr. MAGNET. I was.

Mr. THOMPSON. When did you go out and when did you return to work?

Mr. MAGNET. As near as my memory serves me, it was about the fourth or fifth day after the strike was first declared, and I remained out upward of five months or more.

Mr. THOMPSON. What was the cause, as you look at it, for this strike? And what were the conditions under which the workers generally worked?

Mr. MAGNET. Well, in my opinion, Dr. McBride came as nearly stating the immediate cause of the strike as any other person who has thus far taken the stand.

You will remember he stated it was due to some of the manufacturers reducing the wages and demanding an increase in the production of the weavers and other workers in the silk mill, etc., and so on. That is a fact. Of course, the manufacturers themselves from their own statements, they brought about a deplorable condition in the market, due to what many of them term cut-throat competition. And in order to realize profit, which is the main object in going into business, they would come back and reduce the wages of their employees, or they would demand an increased production which the weavers were

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Mr. MAGNET. Louis Magnet, 853 Market Street, Paterson, N. J. At the present time a silk ribbon weaver.

Mr. THOMPSON. How long have you been a silk ribbon weaver here?

Mr. MAGNET. On and off for about 22 years.

Mr. THOMPSON. About 22 years?

Mr. MAGNET. I did not follow up the operation continuously.

Mr. THOMPSON. Were you engaged in that occupation during the strike?

Mr. MAGNET. Yes, sir.

Mr. THOMPSON. Where did you work then?

Mr. MAGNET. Sweeney Co., silk-ribbon manufacturers.

Mr. THOMPSON. Were you out on a strike?

Mr. MAGNET. I was.

Mr. THOMPSON. When did you go out and when did you return to work?

Mr. MAGNET. As near as my memory serves me, it was about the fourth or fifth day after the strike was first declared, and I remained out upward of five months or more.

Mr. THOMPSON. What was the cause, as you look at it, for this strike? And what were the conditions under which the workers generally worked?

Mr. MAGNET. Well, in my opinion, Dr. McBride came as nearly stating the immediate cause of the strike as any other person who has thus far taken the stand.

You will remember he stated it was due to some of the manufacturers reducing the wages and demanding an increase in the production of the weavers and other workers in the silk mill, etc., and so on. That is a fact. Of course, the manufacturers themselves from their own statements, they brought about a deplorable condition in the market, due to what many of them term cut-throat competition. And in order to realize profit, which is the main object in going into business, they would come back and reduce the wages of their employees, or they would demand an increased production which the weavers were

there were a small part of the workers who were satisfied, but they were what we term as favorites. For example, take 25 weavers, all equal in their ability to produce a given amount of work in a given time; out of that 25 there may be 10 or 12 who would be continually working in good and bad times, in busy and dull times. Now, naturally, those workers had no great grievance. When dull times would occur, many of the workers would be laid off, but some would invariably be employed continuously. Naturally, they had no grievances.

Mr. THOMPSON. Would the strike have occurred, in your opinion, if the workers in the different mills had been organized and had had committees who could have approached the employers in order to negotiate for things which they wanted, and in order to take up the grievances which the people might have had?

Mr. MAGNET. That is the deplorable condition in which we found the workers of the city of Paterson. Their apathy, their indifference, their disregard of their own interests is, in a great measure, responsible for the condition they found themselves in or did find themselves in up to the time of the strike. I think if the workers had been organized, the condition of things would have been quite different. I don't think we would have witnessed any such spectacle as the general strike that we had throughout the city of Paterson last year. The workers in the city of Paterson, and I presume for the most part it is so all over the country, seemed to concern themselves more about other things than they do about their own immediate material welfare. And if the workers—while I have the opportunity I want to say it—unless the workers of the city of Paterson are working to a realization that it is absolutely necessary for them to study their own interests as the employer studies his, we shall be visited periodically with such scenes and such affairs as the general strike in the city of Paterson last year. As I said, I repeat, had the workers been organized, I don't think there would have been a general strike in the city of Paterson.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Are you working now, Mr. Magnet?

Mr. MAGNET. Yes, sir.

Chairman WALSH. Whereabouts?

Mr. MAGNET. C. E. Miller Manufacturing Co.

Chairman WALSH. Have you been a member of any organization of mill employees?

Mr. MAGNET. In that shop or in any shop?

Chairman WALSH. In any shop? Did you ever belong to a union of your craft?

Mr. MAGNET. I have; I belonged to two or three.

Chairman WALSH. Are you a member of a union now?

Mr. MAGNET. I am not.

Chairman WALSH. Were you prior to the strike?

Mr. MAGNET. No, sir.

Chairman WALSH. The Paterson strike?

Mr. MAGNET. No, sir; I had been out of the trade for a certain length of time up until four months previous to the strike.

Chairman WALSH. And you were a member of no organization at the time of the strike?

Mr. MAGNET. No, sir.

Chairman WALSH. What mill were you in at the time of the strike?

Mr. MAGNET. I worked for the Sweeney Silk Ribbon Manufacturing Co.

Chairman WALSH. Did you go out when the rest of the men went out?

Mr. MAGNET. Yes, sir.

Chairman WALSH. Did you remain out while it was on?

Mr. MAGNET. Yes, sir.

Chairman WALSH. Did you take part in the strike itself, in the way of making speeches or things of that sort?

Mr. MAGNET. I did.

Chairman WALSH. In a general way?

Mr. MAGNET. In a general way.

Chairman WALSH. And catered to the solidarity of the workers in the strike?

Mr. MAGNET. I did.

Chairman WALSH. Did you meet with any of the conference committees that have been spoken of here, the citizens' committee appointed by the mayor or any of those?

Mr. MAGNET. I met with two committees that I recollect. One was the aldermanic committee, and I think one was a citizens' committee. I am not quite sure.

Chairman WALSH. So that it may be fairly said that you were on the side of the workers in the struggle while it was going on?

Mr. MAGNET. Yes, sir. I championed their cause. I thought it was a just cause. I addressed public meetings for about two months or more.

Chairman WALSH. What, if any, plan would you have, from the standpoint of the worker to-day, to prevent the recurrence of such conditions as you had here in Paterson?

Mr. MAGNET. Well, of course, fundamentally we must first discover the causes of these conflicts between capital and labor.

Chairman WALSH. On this particular proposition you have a pronounced opinion as to the cause, and have stated it?

Mr. MAGNET. I gave the immediate cause of the last strike.

Chairman WALSH. The immediate cause?

Mr. MAGNET. Yes, sir.

Chairman WALSH. Do you think there has to be some change in fundamentals?

Mr. MAGNET. I am positively convinced of that.

Chairman WALSH. Briefly, in what respect?

Mr. MAGNET. Well, it would seem that the cause of all strikes, or nearly all strikes, is a conflict of material interests between the worker and the employer.

Chairman WALSH. Express it broadly, in what way, please? One side or the other trying to get—

Mr. MAGNET. In that both sides are always striving for a larger share of the work that the working class produced.

Chairman WALSH. What change, then, in fundamentals, in your opinion, would there have to be before the matter could hope to be adjusted?

Mr. MAGNET. Well, we would have to remove the cause. Since, as I have said, the fundamental cause is a desire of both parties to obtain a larger and larger share of the sum total of the wealth produced, we must make it so or have a condition of affairs where the wealth producer shall receive the full product of his labor.

Chairman WALSH. And that you think, then, would require a fundamental change in the present system?

Mr. MAGNET. Undoubtedly.

Chairman WALSH. Short of that, is it your idea that anything can be done?

Mr. MAGNET. Oh, yes; I think a great deal can be done.

Chairman WALSH. What?

Mr. MAGNET. While we are going through that transitory period.

Chairman WALSH. What would you say might be done to better conditions and prevent a recurrence of trouble like that which transpired here in Paterson?

Mr. MAGNET. As I have said, I think the workers must awaken to a realization of the fact that they must study their own interests, and then when a difficulty shall arise between them and their employers they can discuss and argue the matter in hand in an intelligent manner. And if, for instance, due to the law of competition, a reduction in wages is necessary—and oftentimes I believe it is—the manufacturer or the employer producing the facts to prove his statements, there is only one thing for the worker to do, and that is submit to the reduction, and then he is taught all the more forcibly the hopelessness of his condition under the present system or order of things.

Chairman WALSH. And then, on the other hand, when it is believed by the worker that the wage is too low—

Mr. MAGNET. Then he will endeavor as best he can and circumstances will permit to convince his employer that he should raise his wages.

Chairman WALSH. Can he do it individually, do you think?

Mr. MAGNET. Oh, no; I don't look for an individual regeneration.

Chairman WALSH. He would have to have, then, in your opinion, some sort of an organization?

Mr. MAGNET. Undoubtedly. As I said before, I consider that the workers have neglected their interests considerably by not forming an organization, and by having an organization when differences arise that they could go before their employer, state their grievances, argue them, and come to a peaceful and, under the circumstances, a satisfactory settlement of the difficulty.

Chairman WALSH. In the meantime, if you can state it briefly, because we are being a little crowded for time now, and you have said what you had to say very concisely, what would be your means of bringing about this fundamental change which you claim to be necessary before justice can be established?

Mr. MAGNET. Well, as I said, a great deal could be done while we are marching in that direction.

Chairman WALSH. I mean to reach the ultimate goal?

Mr. MAGNET. Well, I would suggest, as the first step, as a palliative to the present—

Chairman WALSH. Now, I am afraid you did not understand me. You say there must be a fundamental change in our system. How do you propose to develop a system to bring about that change?

Mr. MAGNET. Oh, through the ballot.

Chairman WALSH. Through the ballot?

Mr. MAGNET. Yes, sir.

Chairman WALSH. That is all, thank you.

Mr. MAGNET. I would like to add, with your permission—

Chairman WALSH. Certainly.

Mr. MAGNET. As a remedy, as a palliative for the present condition of affairs, that the enactment of a Federal eight-hour law, applicable to every man, woman, and child throughout the country, would be one of the most effective means to relieve the congested labor market and generally to relieve the condition of the workers throughout the country.

TESTIMONY OF REV. DR. ANTHONY H. STEIN.

Mr. THOMPSON. Please give us your name and address.

Dr. STEIN. Anthony H. Stein; 440 River Street, Paterson, N. J. I am rector of Our Lady of Lourdes, Roman Catholic Church.

Mr. THOMPSON. Were you in Paterson at the time of the strike a year ago?

Dr. STEIN. Yes, sir.

Mr. THOMPSON. Officiating then as rector?

Dr. STEIN. Yes, sir.

Mr. THOMPSON. At that time did you take an interest in the strike?

Dr. STEIN. Yes, sir.

Mr. THOMPSON. And did you form a committee of clergymen to see what could be done about the strike?

Dr. STEIN. Yes.

Mr. THOMPSON. You might tell us, if you please, how that committee was formed, and when, and who constituted the committee.

Dr. STEIN. The committee was formed in this way: The situation in the city became very chaotic, and the clergymen of the city felt that perhaps they might use some moral influence in obtaining a conference between the manufacturers and the workers; and so several clergymen, including Dr. Hamilton, of St. Paul's, and Dr. Snodgrass, of the Methodist Church, here on Market Street—we called upon all the clergy of the city to meet at the Y. M. C. A. headquarters, and we there discussed the general conditions of the city and concluded, after much talk, that it would be well to form a committee of five, of which I was elected chairman; and these five gentlemen were to make a presentation of their judgment of the situation, their idea of the remedy, to a conference which had been called under the auspices of the board of aldermen. We drew up a little adjudication and we presented that—I read it at the conference that night in the high school. The substance of it was simply this: That the strike that was led by men who advocated lawlessness and anarchy was foredoomed to failure; that we placed ourselves on public record for justice between all men at any cost. We called upon the manufacturers to meet their employees in a spirit of fairness, and we suggested, as a present means of getting out of the difficulty, a Federal or State probe—I forget which it was, as we were discussing the two.

Mr. THOMPSON. When was that committee formed?

Dr. STEIN. It was formed, perhaps, in March.

Mr. THOMPSON. A few weeks or a month after the strike had started, or sooner?

Dr. STEIN. About a month.

Mr. THOMPSON. Along about the latter part of March?

Dr. STEIN. This committee also waited upon the manufacturers in meeting assembled, and we asked them to meet a committee of the workers. Thus the manufacturers' association refused to do, on the ground that the workers at that time were absolutely dominated and led by the I. W. W. organization, and we concluded that they could not meet the workers under the auspices of that association.

We met the workers—a committee of the workers—and while they told us that they had no right to arrive at any settlement with the employers, even though we should arrange a conference, yet they would have to submit the matter to shop committees, and so on, under their own—under the domination, however, of this association which was fighting their battle. Of course, that we could not accomplish, nor did we think it was fair to the workers to ask that. But the manufacturers steadfastly stated they would meet their own employees, and discuss the situation with them. We were simply deadlocked.

Mr. THOMPSON. First, how was the committee formed? Of various denominations?

Dr. STEIN. Yes, sir, I was the chairman. Dr. Jones, of the Second Presbyterian Church, was on that committee. Dr. Hamilton, of the St. Paul's Episcopal Church; Dr. Snodgrass, of the Methodist Church here; and Dr. Shaw, of the Trinity M. E. Church. We did not purposely select the committee in that way; they were simply elected by the 50 or 60 clergymen who met.

Mr. THOMPSON. Did your committee have more than one conference with this committee of the workers?

Dr. STEIN. We had several; yes, sir; but in no case would the men who came to us say they had any authorization.

Mr. THOMPSON. What did the men tell you—at least I understood you to say so—they were shop committees?

Dr. STEIN. They simply reported their grievances.

Mr. THOMPSON. What did they say those grievances were?

Dr. STEIN. Well, they were from different crafts in the industry; the dyers, helpers, and weavers and broad silk men, and ribbon weavers. The dyers, for instance, said that the work hours were too long; and we agreed absolutely with them on that proposition. We favored the eight-hour law, and we talked so to the manufacturers, but we felt that it was not equitable to enforce it on Paterson as against the country or the world in the industry.

Mr. THOMPSON. You rather agree with the last witness, that a Federal eight-hour law would be a good thing?

Dr. STEIN. I agree with every word that was uttered here by Mr. Magnet—every word he spoke, saying, of course, that latter part when there was a question of the introduction of some economic or philosophic system for the final judgment of this matter. There I am not qualified. I rather feel that the whole thing would be solved—I am not saying this just because I am a priest, but because we all subscribe to it—that the whole matter would be finally settled if we could only democratize humanity, or the industrial world to the recognition of the Golden Rule and the observance of "Thou shalt not steal." I think if we could follow that rule of moral arithmetic, the whole matter would be settled.

Mr. THOMPSON. I think we will agree with you on that. When you met with the workers and they would tell you that their shop committees only had power to take matters up with each shop, was the suggestion made to the manufacturers that they take up with the committees of the shops, and did the manufacturers say they would meet the committees or not?

Dr. STEIN. The manufacturers said to us—to our committee—that the men went out without making any demand, that they simply left their looms and left their work and that they gave no reason for it; and consequently that they would not deal with them until they came back to those looms and to their work. Then they would listen to their grievances and do the best they could.

So far as the wages were concerned, they said they could not pay any greater wages; and that is one of the reasons why we thought if a probe could be had it would be a good thing to probe into the financial condition of the silk world, to find out whether, according to the estimates of justice and equity in that business, more wages could be paid or not.

Mr. THOMPSON. How many times did you meet, if you remember, with the employers?

Dr. STEIN. We met twice with them. Of course, they were very firm in their determination that the men should come back first and deal with them, and we felt that we had no moral right to interfere with that request.

Mr. THOMPSON. Did you get the impression that when they said they would deal with their own men after they came back, that they would deal with them as an organization to a committee, or deal with that committee, or did you get any impression as to that?

Dr. STEIN. I got no impression definitely, because I never sought any absolute information.

Mr. THOMPSON. Was there any talk in any of these committee meetings in reference to dealing with organizations of workmen?

Dr. STEIN. Yes; our committee advocated in the high-school meeting, at the conference held there, that the silk workers of Paterson, at that time and for the purpose then under consideration, should bind themselves together under the leadership of Paterson workers, and that then we would stand behind them strongly and ask the manufacturers again to listen to them in that way with the I. W. W. eliminated.

Mr. THOMPSON. Was there any expression of opinion on behalf of the manufacturers in regard to that question at that meeting?

Dr. STEIN. No, sir.

Mr. THOMPSON. Do you know whether or not the condition of the workers here generally has been helped since the strike?

Dr. STEIN. I think it has, but not because of the strike.

Mr. THOMPSON. Do you still feel about the organization of the workers as you did then?

Dr. STEIN. I believe that the workers should be organized; that they should have unions. I absolutely believe in it.

Mr. THOMPSON. What, in your opinion, if you care to state, was the cause of the industrial unrest which led to the strike and led to the coming here of these persons from the outside?

Dr. STEIN. In this strike in Paterson?

Mr. THOMPSON. Yes.

Dr. STEIN. Just what Mr. Magnet said. There is no use of repeating it, Mr. Chairman.

Mr. THOMPSON. Is there anything more that you would like to say?

Dr. STEIN. Well, in listening to all the witnesses here, I was very much surprised to hear some witnesses assert that there was no disorder in the city. There was disorder—sad disorder—and I would not be doing my duty, I think, as a sort of moral custodian of the city if I did not say that I believe that the civil authorities conscientiously did their duty, and unflinchingly did it, and did it with a great deal of wisdom.

Mr. Chairman, that is all I have to say.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all; thank you, Dr. Stein.

(Witness excused.)

TESTIMONY OF MR. JOHN W. FERGUSON.

Mr. THOMPSON. Mr. Ferguson, give us your name.

Mr. FERGUSON. John W. Ferguson.

Mr. THOMPSON. And your address.

Mr. FERGUSON. House or business? 152 Market Street is my business address and 421 Twelfth Avenue my home address.

Mr. THOMPSON. And your business.

Mr. FERGUSON. Engineering and building contractor.

Mr. THOMPSON. How long have you been a resident of Paterson?

Mr. FERGUSON. Since 1884.

Mr. THOMPSON. Were you here in Paterson during the strike last year?

Mr. FERGUSON. I was; yes, sir.

Mr. THOMPSON. At that time did you form any opinion as to the method and way of handling the strike or as to the attitude of the parties—the employers and employees?

Mr. FERGUSON. I don't think I did.

Mr. THOMPSON. Did you form any opinion as to the organization called I. W. W.? You know what I mean?

Mr. FERGUSON. I know what you mean. I have an opinion of the I. W. W.; yes, sir.

Mr. THOMPSON. Well, during that strike did you have a talk with Mr. Fitch, who sits here at my right hand, or do you remember?

Mr. FERGUSON. I don't remember that I did.

Mr. THOMPSON. Did you get the impression that when they said they would deal with their own men after they came back, that they would deal with them as an organization to a committee, or deal with that committee, or did you get any impression as to that?

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Mr. Chairman, that is all I have to say.

Mr. THOMPSON. That is all.

Chairman WALSH. That is all; thank you, Dr. Stein.

(Witness excused.)

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Mr. FERGUSON. I don't remember that I did.

past, unfortunately, the leaders of organized labor have been what you might call the pugnacious or the fighting element, and I must say, even as an employer, that that was necessary to get what they have gotten in the past. I think in many departments, many branches, of employment to-day the leaders of some unions—many of the leaders—have reached a more conservative basis, and they look more that their interests and that of the employers could be considered similar and allied. And I am very glad to say that I believe the employers have gotten a different view of the relationship between themselves and the working people. I think the larger the employer, the larger the corporation, the more they see it from that standpoint, because it is entirely an economic proposition, because if the employee is satisfied and contented and has pleasant surroundings and a good place to work he is going to do more and accomplish more and bring more business to the employer than he would if he was working under harassing conditions or conditions he would like to get away from but can not because there is no other place for employment.

Mr. THOMPSON. Do you think that in that view the employer takes into consideration the question of organization?

Mr. FERGUSON. I do; yes.

Mr. THOMPSON. You do?

Mr. FERGUSON. Yes. I employ union labor almost exclusively, and I have no trouble with them. But I will tell you frankly from past experience the employers—I am speaking of the smaller ones—they will make agreements with these organizations, and they will be breaking them the next morning; in fact, before they can get downstairs they are trying to find a way to break them.

Mr. THOMPSON. That is, the employers?

Mr. FERGUSON. Yes. The workmen, as a rule, desire to live up to them. There are a great many workmen in the skilled trades that are members of the union because that will give them the least trouble; and there are many union leaders that I respect and know well and admire for their broad-mindedness; and I believe that the relationship between the employers and the workmen through proper organizations is improving, and improving materially.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. Mr. Ferguson, apparently from what you have said here and what you evidently said to Mr. Fitch the feeling had become very intense here on both sides, had it not, as the strike progressed?

Mr. FERGUSON. It had; yes.

Chairman WALSH. It had. And the workers felt that they should be allowed to organize in their own way with their own leaders; and the employers and what might be called the disinterested citizenship thought that the bringing in of persons from outside was not only conducive to industrial chaos but threatened the public welfare?

Mr. FERGUSON. I think so. But we had the experience of Lawrence in front of us.

Chairman WALSH. Yes; that is what I say—

Mr. FERGUSON (interrupting). Now, the workers themselves—the majority of them, as far as I could learn it—were not prepared to strike—did not want to strike. But if you had had experience with this non-English speaking labor, and they get together on the street and at times in front of a mill where there is a respectable law-abiding class of people working, they become very timid. Paterson has had its notoriety in the past, and we who think a great deal of our city and are interested in its prosperity and welfare did not want to have a repetition of the conditions in Lawrence.

Chairman WALSH. Yes; that is what I say. But I am trying to direct your attention to the feeling that existed on both sides after the strike began. The feeling was intense, was it not?

Mr. FERGUSON. It was very strong. It was strong among those who were not directly interested in this trouble, but who were interested to maintain the good name and character of this city without having a disturbance and having the militia coming here and all that sort of thing, which would only add to the notoriety which we had had in the past.

Chairman WALSH. And you probably, in any expressions you made, gave forth the sentiment of the innocent bystanders, as it were—the business men, and so on?

Mr. FERGUSON. I think so.

Chairman WALSH. And so deep-seated had the feeling become that you are willing to say that these outsiders should be dispersed or gotten away by means, illegal or otherwise?

past, unfortunately, the leaders of organized labor have been what you might call the pugnacious or the fighting element, and I must say, even as an employer, that that was necessary to get what they have gotten in the past. I think in many departments, many branches, of employment to-day the leaders of some unions—many of the leaders—have reached a more conservative basis, and they look more that their interests and that of the employers could be considered similar and allied. And I am very glad to say that I believe the employers have gotten a different view of the relationship between themselves and the working people. I think the larger the employer, the larger the corporation, the more they see it from that standpoint, because it is entirely an economic proposition, because if the employee is satisfied and contented and has pleasant surroundings and a good place to work he is going to do more and accomplish more and bring more business to the employer than he would if he was working under harassing conditions or conditions he would like to get away from but can not because there is no other place for employment.

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The exhibits referred to are newspaper clippings, entitled "'An active black-list is in operation here,' says Mr. Rosenheim.")

Mr. ZUERSHER. My experience in the blacklist has been this: When I went on strike last year I worked for the Colonial Ribbon Co., and when the strike was over I went back to this mill, in a body, with the men working in that mill. The foreman or head of the firm took whom he felt like taking back, and those whom he had no positions for at the time he had some other excuse for them. He told me to come back the day after the entire shop went in and he would let me know what could be done in my case. I came back next morning and he said, "I have nothing for you and I don't think I will have anything for you for at least 10 days." And notwithstanding the fact that there were looms standing with warps in them, where weavers had left his employ and he knew positively they were not coming back, still, in all, he had no work for me.

I told him then and there I would take what tools belonged to me and what wages I had coming and would seek work elsewhere. And he gave me what wages I had and my tools, with the understanding that I was no longer in his employ.

I then sought employment in other mills, and whenever I mentioned the firm's name who I worked for last I was told to leave my name and address and they would send for me, but none of them ever sent for me. I worked in a mill called the Craft Hat Band—started at 1 o'clock in the afternoon and at half past 4 was discharged. I immediately asked the reason for my discharge and the foreman told me that he had instructions from the office. He would not give me any further information.

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of the speakers had to wait for their pay, and all they received for their services was \$3 a day—\$18 a week.

Now, in my opinion, when they make such remarks as to salaries, and so on, that the agitators are in it for the money, I wish to state that Gompers receives \$5,000 a year, according to my information that I have received, and I know if you will—I don't begrudge him the \$5,000 a year if he does any good, nor I don't begrudge Bill Haywood or Tresca or any other of the agitators their pay if they bring about better business conditions. It don't make any difference to me what pay these men have, if we have it to pay and they can accomplish anything. So far as graft is concerned, there was never any graft in our organization. That is simply newspaper talk. They have never proved any statement of graft, and our books are there to show it.

Chairman WALSH. It is a matter of irritation on the part of the workers to be told by the employers that their organizers steal money that way?

Mr. ZUERSHER. It certainly is. It did incense them a great deal, and they thought it was a great injustice for them to make such statements, especially in view of the fact that they knew that some of the manufacturers themselves were not above criticism in regard to honesty.

Chairman WALSH. You speak about an investigation. Was an investigation made by persons outside of your organization, or undertaken to be made, to find out what became of your funds?

Mr. ZUERSHER. I don't know of any investigation.

Chairman WALSH. The investigation you referred to is the investigation of the organization itself?

Mr. ZUERSHER. Yes, sir.

Chairman WALSH. The reason I am asking you, it seems that I saw published some place that certain citizens made an investigation of certain outside organizations.

Mr. ZUERSHER. I never heard of any.

Chairman WALSH. That is all right. Go ahead.

Mr. ZUERSHER. In regard to bombs that were thrown and houses that were blown up, as has been stated by some of the witnesses, very little damages ever occurred from any of these bomb outrages; and it was always the opinion of the strikers that these bombs had been thrown by O'Brien men or men affiliated with some sort of detective agency in order to get positions with the firms where the bombs were thrown, such as the different mills that they were stationed at, in order to make it appear to the manufacturers that their services were needed.

In regards to the wreck on the railroad, I don't know of any striker who has ever been accused of trying to wreck any trains. There have been no cases of that kind brought to court, and no one has been arrested as a suspicious character in that respect. And the train wreck that was to have taken place near Weidmann's was, in my opinion, engineered by O'Brien men, and it has been the opinion of all of the strikers, the consensus of opinion, that O'Brien men were at work in order to gain positions.

In regards to the police when they would disperse pickets, if we were to believe the statement made by Capt. McBride, it would appear that a police officer would come to the pickets and say, "Now, boys, disperse from here and get away," which was not the case. He did not come in that way. They generally came with a drawn club, and sometimes with curses on their lips, especially if there were a foreign element on the picket line, and told them to get out of there, and called them Waps and Jews and such names as that, which incensed the workers a great deal. While there was no extensive clubbing done by the police, it was due to the fact that there was no resistance offered to their orders. But while there was no clubbing done, they arrested indiscriminately at every instance.

Chairman WALSH. Have you a record of the number of arrests that were made growing out of the industrial disputes?

Mr. ZUERSHER. We have no record.

Chairman WALSH. (interrupting). Were any kept by outside organizations?

Mr. ZUERSHER. That I don't know—outside of the police department.

Chairman WALSH. You heard the statement of Capt. McBride, of the department. Would you say that was approximately correct? He seemed to have given it from the record of the police department.

Mr. ZUERSHER. I believe he stated 2,000.

Chairman WALSH. Two thousand four hundred, wasn't it?

Mr. ZUERSHER. Well, whatever his statement was, I am satisfied it was about correct. They speak of outside concerns not coming into the city of Paterson, because there was always an industrial war going on here—

Chairman WALSH (interrupting). Well, I want to ask you a question right there. Were the arrests all males?

Mr. ZUERSHER. No; there were females and males both.

Chairman WALSH. About how many women would you say were included there?

Mr. ZUERSHER. Well, I should judge probably about one-fourth of the entire arrests.

Chairman WALSH. And generally speaking, what were the charges against the women?

Mr. ZUERSHER. Unlawful assemblage.

Chairman WALSH. That is, they were arrested at meetings?

Mr. ZUERSHER. On picket lines.

Chairman WALSH. Principally on picket lines?

Mr. ZUERSHER. Principally on picket lines.

Chairman WALSH. Were any of them convicted—any of the women?

Mr. ZUERSHER. No.

Chairman WALSH. Go ahead.

Mr. ZUERSHER. The statement has been made that the cause of not having other manufacturing concerns coming into the city was due to the fact that there was continually a case of strike in the city, which is not so. The fact is that we had a board of trade in the city of Paterson composed of silk manufacturers and others who naturally did not want to see any other concern come into the city of Paterson which would draw the workers away from other places. For that reason they were opposed to any other concern outside of a silk concern coming into the city. Some silk concerns have located here, but outside of that no other industries have been allowed to locate in the city. That is from information we have received from offhand different sources. That is one of the reasons why the manufacturers are enabled to oppress the silk workers so easily. They have no means of getting into any other position outside of the silk.

I wish to state in regard to the piecework system in the silk mills, that is one of the systems which makes it hard to organize the workers. It makes it so you can not organize them unless you strike first and organize while they are on the strike. It makes it hard to keep the organization up, it don't matter whether it is the A. F. of L. or the I. W. W., due to the fact that if any of the workers are active in forming an organization, if they are first-class mechanics and the boss does not feel like he would like to get rid of him he gives him a very good job, where he can make more than the average weaver can make. The reason for that is this man naturally, if he gets a good position, will not do any agitating. He will keep quiet and let somebody else do it who has a poorer job and who has not so much to lose; and I believe if a law was passed to prohibit manufacturers from employing workers under a piecework system, that that would be one of the greatest remedies for the silk workers in general. Because under a piecework system years ago—20 years ago—a price was put on a job, so that a weaver knew what that job would pay before it was put in his loom. To-day he works probably a week or two weeks before he knows what is going to be received for that. The reason for that is that they watch the weaver to see how much production he can make on that loom, and then they regulate the price on the job according to the production he makes; and as a rule the price is never established so that he can make any more than \$3 a day, and he has to work his utmost to make it.

And I have often heard manufacturers state that \$3 a day was a fair day's working wages for a silk worker, which, in my estimation, is a poor day's work. They also use pacemakers on the piecework basis by giving good jobs and getting them to turn out as much as possible and then they will take that very same job, after it is run, out of that room and they will place it probably on a different floor with a different book on the loom and a different price in the book. They have discovered that the man could make—they have discovered, for instance, say, a man was to get \$1 a cut—that is, 10 yards; they call that a cut; and they find that a man could make 12 yards a day on that. Then they will take that job—after it is run they will take the harness of that job out of this loom and put into a loom on some other floor of that mill and reduce the wages so that the man could make \$3 or \$3.50 a day. And if that man individually went to the office and made complaint in regard to the price he was told that if he didn't like it he could quit; that there were lots of workers only too glad to come and take his place. And that was generally the answer of the manufacturers to the men who would individually complain.

At different times when shop meetings were held the manufacturer or superintendent or foreman or whoever it might be would tell the workers, "well, if there is anything wrong with anything in this shop I wish the weavers would come to me themselves individually in the office and I will adjust whatever grievances there are." Those things have been tried, and while in some cases grievances were adjusted, they were adjusted only until the man got his warps out and then there were no more orders for him. And there is one foreman in the city of Paterson who holds that no man in the ribbon trade has a position guaranteed to him any longer than his warps will last; and that he has the right at the end of the warps to tell the man there is no more work for him. Now, a set of warps should last six weeks or sometimes two months, and in that time a weaver can earn from \$100 or \$150 or \$175, according to the price paid on it. Those are all things that have been bred into the minds of the workers for the past 11 years; and as I said before, for the past 11 years there had always been discontent amongst the workers. It always seemed that they [employers?] were never satisfied with the profits they were making. They were always after more, and at the same time if a weaver showed dissatisfaction why he was told that some one else could take his place and was only too glad to do so. I know of a case where they put in four or five new looms with new machinery—a Jacquard. All of it was new. And weavers put on those looms were given a very small price for the goods. When the weavers complained the manufacturer—that is, the manager—told them, "Why, who do you think is going to pay for that machinery? I can't pay you any more wages on that job; that machinery has to be paid for." Well, naturally we could only come to one conclusion, and that was that we were the ones to pay for the machinery.

And in regards to improved machinery, we don't object to improved machinery. We welcome improved machinery, if we can get some benefit from it outside of making the work easier or making it possible to produce more goods; but as a rule we never receive any benefit from any improved machinery they put into the mills. On the contrary, we get a cut in wages whenever there is a new method made on a loom. Instead of giving us a benefit from it the benefit is really taken away from us and the manufacturer gets the benefit instead of the worker. So that improved machinery does not help us. It only antagonizes the workers the more, because they can see themselves that they can produce more under the improved machinery; still they get less wages.

As I said before, 20 years ago 540 lines consisted a full loom. To-day we have looms with 2,000 lines, and the weavers receive 50 and 75 per cent less to-day than they did 20 years ago.

My father was a ribbon weaver. My home town is Yonkers, N. Y., and I remember plainly that he averaged \$90 a pay; that is, in two weeks. Those conditions existed at that time also in Paterson. To-day, for the same class of goods, you would hardly make \$30 a pay. If you made it, you would have to work very hard. To show you there has been a continuous reduction from 20 years ago until the present day.

I investigated last night as to a statement I made here yesterday in regard to Bamfort's, who used the contract system, and I am told that they still have that system in vogue in that mill, they still use that system. They hire a girl and get her to sign a contract for a year. She is to learn ribbon weaving, and she works there a year. In the meantime during that period the firm keeps 50 per cent of the wages she makes until the year is up. At the end of the year she is supposed to get this 50 per cent in a lump sum, but, as I stated before, as a rule, very few of them reach the time limit of a year. They are discharged for one thing or another. Of course, they do not receive the 50 per cent that has been held from them.

They also have a docking system in this particular matter. When a girl loses a pair of scissors, which she has paid for to the firm, she is docked a quarter. If a girl comes in with a torn apron, which is her own personal property, which does not interfere with her working, she is docked a quarter. If she should happen to be away from her loom, and the foreman sees her loom running and her not there, or her loom stopped and her not there, she is docked a quarter or whatever they feel like docking. If she comes in late, probably two or three minutes, she is docked an hour's pay. If the power should stop during the day for any breakdown or any cause from a breakdown, if it is stopped half an hour, they work half an hour overtime to make up for it but no extra pay for it.

Such conditions exist in that mill to-day.

Chairman WALSH. What mill is that?

Mr. ZUERSHER. The Bamfort mill.

There has been a law passed in this State prohibiting manufacturers from hiring girls under the age of 16 for more than eight hours a day. Bamfort Bros. discharged every girl who is under 16 years of age rather than keep her in there eight hours a day, and hired girls 16 or over and worked them 10 hours a day. Their reason for that is that they do not want to create any bad feeling between those who work 8 hours and those who are compelled to work 10 hours. They do not wish to have an 8-hour day established, and for that reason they discharged those girls and hire girls all over 15 or 16.

Mr. THOMPSON. What work do you do as secretary of your local?

Mr. ZUERSHER. I take care of the books of the local, collect the dues that is paid to the local, pay out the expenses of the local, and so on.

Mr. THOMPSON. Where you have shops organized and have shop committees that deal with the employees, do you keep in touch with those committees and have anything to say in their adjustments?

Mr. ZUERSHER. We have a meeting, what we call a delegate meeting, every Monday night. Those delegates are composed of committees from the organized shops, who come down and discuss the conditions of their shops and pass rules regulating their conditions.

Mr. THOMPSON. Have you got any committees in any shops here or elsewhere that you know of where the committee in the shop has taken up with the employer the question of the adjustment of piece prices, cases where they require studies, and where studies have been made at the instance of both your organization and at the instance of the employer?

Mr. ZUERSHER. Oh, yes.

Mr. THOMPSON. Or to try and work out what is the just and fair thing to do?

Mr. ZUERSHER. Yes; we have had committees that have done that, but they have never arrived at any satisfactory conclusion.

Mr. THOMPSON. How long have those committees been in existence? How long did they work at it, and what methods, if you know, were employed?

Mr. ZUERSHER. Why, they would take, for instance, and compare with other mills, the prices of other mills, and they would take the highest-paid mill and figure their prices according to the highest-paid mill and present that as a basis to the firms, which, in most cases, has been refused. Now, in this city we have a mill that we consider pays the highest in the city, and that is Johnson & Colvin, in Riverside. In the United Ribbon Co., where I was a striker until I received this position, we made a demand for the Johnson & Colvin price list on a piece work basis. We had our jobs figured out so that we could demand - tell them exactly how much these jobs were to pay, and those demands are still pending. The strike is still on in this mill.

Mr. THOMPSON. Take a case where you have a mill organized, where you have your committees in good working shape; if any question comes up in regard to piece prices and it involves important study of the work, we will say, study of the operation, does your organization submit in that a joint grievance between your employer and your committee to study the operation?

Mr. ZUERSHER. Yes.

Mr. THOMPSON. Have certain weavers do the work for a certain period of time?

Mr. ZUERSHER. We pick out probably three or five men who can do the figuring, and they meet with the firm and go over the figures and see whether they can arrive at any conclusion.

Mr. THOMPSON. And would this committee of your organization have a right to agree with the boss?

Mr. ZUERSHER. Yes.

Mr. THOMPSON. Take, for instance, three or four weavers, or a dozen, and say they work on piece work at a price for two or three weeks or a month, and then discuss whether the work was done fairly by the weavers; do they take the questions up and consider them and arrive at a conclusion?

Mr. ZUERSHER. We don't interfere with the workers in any particular mill as to what they shall do.

Mr. THOMPSON. Suppose a certain kind of work should come up and they should make this study with the employer and finally say, "This is the price for that piece of work; we have spent some time studying it and arrived at what we think is a fair plan. Now, this will stand for six months or a year." Would that be permissible under your organization?

Mr. ZUERSHER. We don't allow contracts to be made. That is, the organization does not allow contracts to be made, because we do not believe in the contract system, because the manufacturers, as a rule, never keep the contract, anyway, signed or otherwise.

Mr. THOMPSON. But the opposition to the contract system is really opposition to any time contract, but it would not include an agreement between this committee and the boss or manufacturers to make these experiments?

Mr. ZUERSHER. No; it would not include that.

Mr. THOMPSON. Anything like that that is a contract would be permissible?

Mr. ZUERSHER. Yes; that would be permissible.

Mr. THOMPSON. In other words, your objection is to time contracts instead of work contracts? For a year or six months during which you receive certain pay or work certain hours, or work under certain conditions; those you are against?

Mr. ZUERSHER. Yes.

Mr. THOMPSON. But the other agreements to help make adjustments, help to determine prices are permissible; is that right?

Mr. ZUERSHER. That is right.

Mr. THOMPSON. In regard to the question of the outside agitators, have you an explanation of why they came in and of the reason that they stayed here?

Mr. ZUERSHER. They came in here at the instigation of the workers themselves; that is, the organization, and not only the organization but the workers who were not organized. And the reason they stayed here was that we held large meetings, sometimes numbering into the thousands, at which they addressed them. Their business was to educate them in the line of organization, also showing them that through organization they gain further power. And they stayed in the city during the biggest part of the strike for these purposes.

Mr. THOMPSON. Were there any local leaders here at the time of the strike?

Mr. ZUERSHER. There were local men who were at the front, but very few of them took the platform outside of the secretary and the organizer.

Mr. THOMPSON. Well, did the local leaders have the experience to handle a strike of the magnitude of this?

Mr. ZUERSHER. Oh, yes.

Mr. THOMPSON. They did?

Mr. ZUERSHER. Oh, yes.

Mr. THOMPSON. Going back to the contract proposition again. As I understand you, this contract that might be made between a committee and the employer with reference to adjusting prices or making experiments, for that purpose, would be permissible, but any contract that would carry a definite term or a price or the hours of work—what would be the objection to it even though it be in writing, between an organization of yours and the employers, providing for the machinery to make this adjustment you have spoken of, of prices and wages, prices to stay in existence as long as the contract was in existence, but giving each side the right to terminate the contract on a minute's notice, or without any notice?

Mr. ZUERSHER. Such a contract would not be considered by the organization, because they would think it was valueless, because the manufacturer will not only break it but the workers themselves could break it.

Mr. THOMPSON. But it might be the means or the vehicle for carrying along this machinery as long as the parties both agreed, just as the protocol of New York is exactly that kind of a contract, terminated on a moment's notice by either side?

Mr. ZUERSHER. I don't suppose the organization would object to a contract of that kind.

Mr. THOMPSON. Well, they are working under it in New York, and it simply furnishes the means to carry this machinery along. That is all.

Chairman WALSH. Prof. Commons would like to ask you a few questions.

Commissioner COMMONS. Did you state how many members are now in your organization in Paterson?

Mr. ZUERSHER. Well, we have about in the neighborhood of 3,500 members, but they are not all in good standing, due to the fact that this is a time of the year when the silk is really slack. Yet we don't press them for their dues, but as a rule the fall of the year or the latter part of July business starts to pick up and the men usually rejoin the organization, pay up their back dues. In good standing we have about between 1,300 and 1,500. What we call good standing is a man who has paid up his last month's dues.

Commissioner COMMONS. How many shops do you say you have organized?

Mr. ZUERSTER. We have probably about eight that are closed shops.

Commissioner COMMONS. And about how many employees in each shop, the total size of the shop, all classes?

Mr. ZUERSTER. Well, we have one shop of 130 weavers, I believe, and one with 45.

Commissioner COMMONS. What is the smallest?

Mr. ZUERSTER. About 40 is the smallest.

Commissioner COMMONS. Do you include in those shops all employees? When you say it is closed, do you mean all classes of work?

Mr. ZUERSTER. It is simply closed to the weaving end of it, not to the quill winders and warpers, and so on; it is simply closed to the weavers.

Commissioner COMMONS. Loom fixers?

Mr. ZUERSTER. Loom fixers in some shops are organized in our organization, and in others they are not in any organization.

Commissioner COMMONS. Are those in the broad silk or ribbon?

Mr. ZUERSTER. In the ribbon.

Commissioner COMMONS. You have no organization in the broad silk?

Mr. ZUERSTER. We have in the manufacturing end of it. We have the members in the weaving end in our organization.

Commissioner COMMONS. Both in the broad silk and in the ribbon?

Mr. ZUERSTER. Yes, sir.

Commissioner COMMONS. How about the dye houses?

Mr. ZUERSTER. We have members, dyers, in our organization, as well.

Commissioner COMMONS. Dyers' helpers?

Mr. ZUERSTER. Dyers' helpers.

Commissioner COMMONS. Have you any closed shops in the dye houses?

Mr. ZUERSTER. No, sir, no closed shops.

Commissioner COMMONS. How do you enforce the closed shop?

Mr. ZUERSTER. A member not belonging to the organization can not get a job in that shop, but a member who should happen to hold an A. F. of L. card is permitted to work as long as his card is paid up and continues his dues in the A. F. of L. organization.

Commissioner COMMONS. How do you enforce the close shop?

Mr. ZUERSTER. Well, by having a man discharged if he does not live up to the rules of the organization.

Commissioner COMMONS. How do you get him discharged?

Mr. ZUERSTER. By holding a meeting and demanding his discharge. If it is not complied with a strike takes place until it is.

Commissioner COMMONS. There is only one agent, yourself, is there, to take care of that?

Mr. ZUERSTER. At the present, yes, sir.

Commissioner COMMONS. When was the first I. W. W. organized here?

Mr. ZUERSTER. 1906 I think; I am not positive.

Commissioner COMMONS. Was that under the Chicago or Detroit faction?

Mr. ZUERSTER. Chicago faction.

Commissioner COMMONS. Chicago faction?

Mr. ZUERSTER. Yes, sir; I believe both factions were together at that time, if I am not mistaken; they branched out afterwards.

Commissioner COMMONS. When would you say was the first one that distinctly belonged to the Chicago faction?

Mr. ZUERSTER. In 1908, I think.

Commissioner COMMONS. 1908?

Mr. ZUERSTER. Yes, sir.

Commissioner COMMONS. The distinction was made then?

Mr. ZUERSTER. Yes, sir.

Commissioner COMMONS. You heard the testimony regarding the differences between the two organizations?

Mr. ZUERSTER. Yes, sir.

Commissioner COMMONS. The Chicago faction, I think it was, Mr. Lessig testified to that?

Mr. ZUERSTER. Yes, sir.

Commissioner COMMONS. Did he state substantially the views of the local here? And the policy of the I. W. W.?

Mr. ZUERSTER. Well, that would be kind of a broad question to answer. I am not so positive that he stated correctly all the views of the local in connection with the policy of the general office.

Commissioner COMMONS. In the first place, you decline to make agreements?

Mr. ZUERSHER. We decline to make agreements.

Commissioner COMMONS. In the second place, you retain the right to strike at any moment?

Mr. ZUERSHER. Yes, sir.

Commissioner COMMONS. If you have lost a strike and you go back to work, do you practice sabotage?

Mr. ZUERSHER. All workers in the silk industry practice sabotage, no matter what organization they belong to. Even in the A. F. of L. organization they practice sabotage, probably knowing the terms of the word, knowing that they are doing it, but they are doing it just the same. I will show you an instance.

Before any of the silk mills were organized into the I. W. W. I remember a case of a man working in front of me one nice afternoon when the sun was shining bright and he wanted a day off. He had previously lost two or three days and knew that if he asked to get off he could not get off, so he took a screw driver and broke out the teeth of the rack that carries the shuttle back and forth. It does not take a half a day to fix it; it takes about 10 minutes to put the extra teeth in there, but probably half a day for the glue to dry out so as to be safe to run. In this way he got his half day off. That is what we call sabotage, but that is not a dangerous sabotage; that would be simply a modified form. We do not destroy property so that it can not be fixed. We may put machinery out of commission for the time being in order to gain our ends, but machinery is never destroyed so it can not be put back into its proper condition again.

Commissioner COMMONS. Under what circumstances do you advocate sabotage? Supposing you are working in a shop which is organized—a closed shop—what is your doctrine there about sabotage?

Mr. ZUERSHER. As a rule, it does not have to be applied in an organized shop so much as it does in a shop which is only partly organized—that is, probably three-quarters.

Commissioner COMMONS. Would there be occasion when you would have to use it in an organized shop?

Mr. ZUERSHER. There might be; if they would be too stubborn in regard to decisions we probably would resort to sabotage if we thought sabotage would win.

Commissioner COMMONS. Instead of going out on strike?

Mr. ZUERSHER. Instead of going out on strike.

Commissioner COMMONS. You would resort to sabotage?

Mr. ZUERSHER. Yes, sir.

Commissioner COMMONS. What other examples could you give of sabotage besides this one that you mentioned of breaking the teeth?

Mr. ZUERSHER. I have known them to do the same thing with the shuttle. The shuttle has the teeth, too, that go into the teeth of the rack, made of some kind of compressed paper, I believe; sometimes they are made of some kind of hard wood; break the teeth out of that and it would take probably half a day before it could be put back in a loom. Sometimes they would probably have a smash on purpose so that a warp would have to be turned over to the other end in order to get the course which separates the ends, so that it could be twisted on again and put in shape. In that respect they would gain half a day's time.

In regard to stopping an entire mill, if it was necessary to gain a point that we were having in dispute, why, the use of emery dust could be applied into the oil cans which oils the shaftings and in that way, within half an hour's time, the shaftings would cease to work. It would probably take the firm a half day or day or two or three days in order to get the shafting in condition to run.

Those are methods that could be used, but have not been used so far.

Commissioner COMMONS. Has your organization discussed these methods in its meetings?

Mr. ZUERSHER. Well, some of the members of the organization have discussed those methods, but have never come to any conclusion as to when they should use them or as to whether they should use them.

Commissioner COMMONS. You spoke about your meeting men who did not belong to your organization—seeing them practicing sabotage. Did they do it as an organization?

Mr. ZUERSHER. They done it as an individual.

Commissioner COMMONS. For what purpose? To get some individual advantage?

Mr. ZUERSHER. Well, not exactly that. It mostly has been done to get a day off or half a day off.

Commissioner COMMONS. Now, your method seems to be somewhat different from that then. It is not an individual proposition then?

Mr. ZUERSHER. Well, I am speaking of where we have grievances. My method is where we have grievances, but can not be adjusted in any other way.

Commissioner COMMONS. Then you practice collective sabotage?

Mr. ZUERSHER. That is it.

Commissioner COMMONS. All of you?

Mr. ZUERSHER. All of us.

Commissioner COMMONS. To your knowledge, have any of your members practiced individual sabotage?

Mr. ZUERSHER. That I don't know.

Commissioner COMMONS. The matter has been talked over in your meetings, but you have taken no action?

Mr. ZUERSHER. We have not taken any action in regard to using it.

Commissioner COMMONS. Do you understand that in subscribing to the constitution and by-laws, or paying dues to your organization, that a person thereby accepts the principle of sabotage as a method of conducting this struggle?

Mr. ZUERSHER. I do not.

Commissioner COMMONS. All members, then, have freedom of opinion on that, then, do they?

Mr. ZUERSHER. They have.

Commissioner COMMONS. A man does not need to subscribe to sabotage?

Mr. ZUERSHER. No, sir.

Commissioner COMMONS. Has it every been acted upon by your national organization in any way? Has there been any stand taken on that?

Mr. ZUERSHER. That they should abide by that principle.

Commissioner COMMONS. That sabotage is the proper method or substitute for a strike?

Mr. ZUERSHER. Yes; they have, but any member joining the organization does not have to use it if he does not feel like it.

Commissioner COMMONS. Has it been adopted by the national organization?

Mr. ZUERSHER. Oh, yes.

Commissioner COMMONS. But sabotage - -

Mr. ZUERSHER. It is not a local affair. It is national.

Commissioner COMMONS. So that when a person joins I presume the constitution is explained to him?

Mr. ZUERSHER. They are given the constitution to read, and after they read it, if they join, naturally we imagine that they know the contents of the constitution and agree with it, but we don't ask them whether they do or not.

Commissioner COMMONS. It was stated by one of the witnesses, and I think he represented your organization, that as a last resort it might be necessary to blow up a factory. Would that be called sabotage?

Mr. ZUERSHER. Well, you could term it in that way. If you wish to construe it in that way you could say it was sabotage.

Commissioner COMMONS. I just wanted to see how you would construe it.

Mr. ZUERSHER. I don't know that I would put any construction on it; that is, relating to sabotage.

Commissioner COMMONS. Sabotage, as I understood from you, is a minor injury which can be corrected within a few hours, is that it?

Mr. ZUERSHER. That is it.

Commissioner COMMONS. Blowing up a factory would, according to that definition, not be sabotage?

Mr. ZUERSHER. No, sir; not in the broad sense. I would not consider it as such.

Commissioner COMMONS. But, at any rate, you do not make any distinction which can be remedied within a short time, or one that might throw the whole works out of commission, like the blowing up of a factory?

Mr. ZUERSHER. I would make a distinction between those two. One I would term sabotage; the other, I don't know what you could term it outside of saying that you blow up a mill. There is not any term that we use for that purpose.

Commissioner COMMONS. Has your national constitution any term that would cover blowing up a mill?

Mr. ZUERSHER. Not that I know of.

Commissioner COMMONS. You understand that that is one of the beliefs of the organization, that it is legitimate or proper—I won't say legitimate, because you don't believe in using the Government, I understand, to enforce anything—but that it is a proper mode of warfare. Is there any principle that would recognize blowing up a mill as a part of the scheme?

Mr. ZUERSHER. That I couldn't state. I don't know whether there is or not.

Commissioner COMMONS. Were you one of the executive committee during the strike?

Mr. ZUERSHER. I was.

Commissioner COMMONS. At what time was that executive committee organized?

Mr. ZUERSHER. Well, about the same time as the strike took place; part of it was organized weeks before.

Commissioner COMMONS. At what time did you make your engagement to bring one of those outsiders in first?

Mr. ZUERSHER. I believe about a week before the strike took place.

Commissioner COMMONS. Whom did you engage at that time?

Mr. ZUERSHER. I believe it was Patrick Quinlan and Haywood, if I am not mistaken, or Tresca.

Commissioner COMMONS. Two were engaged a week before the strike?

Mr. ZUERSHER. That is, they were told to come on a certain date.

Commissioner COMMONS. On a certain date?

Mr. ZUERSHER. Yes, sir.

Commissioner COMMONS. When did you take up with the third one?

Mr. ZUERSHER. Probably a week or so later.

Commissioner COMMONS. There were three that you had, Quinlan, Tresca, Haywood. Were there others that you had?

Mr. ZUERSHER. Miss Flynn.

Commissioner COMMONS. When did you contract with her to come?

Mr. ZUERSHER. I am not so sure about when, probably around about in the same neighborhood. I believe all of them were engaged within a month's time.

Commissioner COMMONS. But all of them stayed there until the end? That is, along until June or July?

Mr. ZUERSHER. July.

Commissioner COMMONS. Until July?

Mr. ZUERSHER. Yes, sir.

Commissioner COMMONS. What did you say was the compensation that you paid them?

Mr. ZUERSHER. Eighteen dollars a week.

Commissioner COMMONS. And expenses?

Mr. ZUERSHER. And expenses back and forth to New York. They mostly always came from New York; we allowed them wages extra for that.

Commissioner COMMONS. Did you yourself take part in making speeches?

Mr. ZUERSHER. I did at times.

Commissioner COMMONS. About how many speeches did you make?

Mr. ZUERSHER. Well, that I can't remember. I have made quite a few. I couldn't just exactly say.

Commissioner COMMONS. You were secretary at that time?

Mr. ZUERSHER. No, sir, I was not secretary at that time.

Commissioner COMMONS. You were not on salary?

Mr. ZUERSHER. No, sir.

Commissioner COMMONS. Were you present at the first meeting there, three or four days that the police—

Mr. ZUERSHER. I was not at that meeting at all. I was still working at that time.

Commissioner COMMONS. You have heard all of them make speeches, have you?

Mr. ZUERSHER. Oh, yes.

Commissioner COMMONS. What languages did they use?

Mr. ZUERSHER. In what respect do you mean, what language?

Commissioner COMMONS. I mean Italian or English?

Mr. ZUERSHER. Well, they talked in Italian and English. We had German speakers, we had Polish speakers; those would generally volunteer to make an address from time to time.

Commissioner COMMONS. Local people?

Mr. ZUERSHER. Yes, sir; but the Italian was Tresca.

Commissioner COMMONS. Could you understand what Tresca said?

Mr. ZUERSTER. No, sir; I could not. I have often had it explained to me by Italian members. If I saw hearty applause I would want to know what was said because of the applause, and sometimes it was explained to me.

Commissioner COMMONS. What did they report to you that he said; some of the things?

Mr. ZUERSTER. Why, it was mostly on the belief of one big union and talk along that line, along organization lines.

Commissioner COMMONS. Do you understand that he advocated sabotage?

Mr. ZUERSTER. That I couldn't say. I never heard any of the Italian people say he did advocate sabotage. He may have, but I don't know that he did.

Commissioner COMMONS. Did you hear the others advocate sabotage?

Mr. ZUERSTER. I heard one speaker advocate it, Sumner Boyd.

Commissioner COMMONS. Sumner Boyd?

Mr. ZUERSTER. Yes, sir.

Commissioner COMMONS. Haywood?

Mr. ZUERSTER. Not that I know of. I don't remember of him ever advocating sabotage.

Commissioner COMMONS. Miss Flynn?

Mr. ZUERSTER. I never heard Miss Flynn.

Commissioner COMMONS. Or Quindan?

Mr. ZUERSTER. That I couldn't say. I don't think he did.

Commissioner COMMONS. It is not your understanding, then, or your belief, that any of them advocated sabotage?

Mr. ZUERSTER. Not to my knowledge, outside of this Sumner Boyd.

Commissioner COMMONS. He was the only one who advocated sabotage?

Mr. ZUERSTER. Yes, sir.

Commissioner COMMONS. Was there an attempt made to settle the strike with a few of the members, few of the employers, after two or three months, and the organization then took the ground that it would not settle unless all would settle?

Mr. ZUERSTER. Well, no; the organization did not take that stand. The strike committee took that stand, which was composed of men belonging to the organization and men who did not belong to the organization. They were about equally divided, and they took the stand that a shop-by-shop settlement was out of the question. They put that proposition to a referendum vote of the entire strikers, and the proposition was voted down by the members that were on strike. That includes also the I. W. W. and the members who did not belong to the organization at all.

Commissioner COMMONS. About how large a vote was cast?

Mr. ZUERSTER. I believe there was about 9,000 votes cast.

Commissioner COMMONS. Do you remember the vote?

Mr. ZUERSTER. I couldn't state the vote; I don't remember it.

Commissioner COMMONS. Was it a majority?

Mr. ZUERSTER. I know there was quite a majority against settling shop by shop.

Commissioner COMMONS. What was the reason for not settling?

Mr. ZUERSTER. Well, I suppose they did not believe in a shop-by-shop settlement at the time. They thought they could hold their ranks better by staying solid. One of the reasons was that if one shop was to settle individually, even though they got their demands, that other workers would be jealous of seeing this one shop working and there may be a break in the ranks, and for that reason I believe that the majority of the workers felt they should not have a shop-by-shop settlement.

In that conclusion I wish to state personally that to-day a big majority of the workers realize that they made a mistake in not settling shop by shop when they first came out. That is, there were some shops that, when they were called out on strike, especially in the ribbons, who would grant an eight-hour day and an increase in wages; but, as I said, the workers would not stand for a shop-by-shop settlement at that time, but to-day they realize they made a mistake by not doing that.

Commissioner COMMONS. Do you know at what time that vote was taken?

Mr. ZUERSTER. I think that was some time in July; the first part of July or the latter part of June.

Commissioner COMMONS. The strike had been long advanced then?

Mr. ZUERSTER. That is the time that that proposition came up.

Commissioner COMMONS. Hadn't it come up before that?

Mr. ZUERSHER. Not to put it to a vote; it might have been discussed, but there were never any motions made either one way or the other in regard to that until around June or July.

Commissioner COMMONS. When did the strike committee first consider that proposition?

Mr. ZUERSHER. In the latter part of June or July.

Commissioner COMMONS. That was the first time?

Mr. ZUERSHER. Yes, sir.

Commissioner COMMONS. That it was presented to them?

Mr. ZUERSHER. Yes.

Commissioner COMMONS. Have you kept a record of your wages for the last 11 years that you averaged working?

Mr. ZUERSHER. I have not exactly kept a record, but I know pretty near what my average was.

Commissioner COMMONS. You have worked at ribbon weaving all the time?

Mr. ZUERSHER. Yes.

Commissioner COMMONS. About 10 years ago what would you earn in the best week you would have?

Mr. ZUERSHER. Probably \$30; \$25.

Commissioner COMMONS. And prior to the strike what could you earn in the best week?

Mr. ZUERSHER. This last strike?

Commissioner COMMONS. Yes?

Mr. ZUERSHER. Well, \$15 was considered the best.

Commissioner COMMONS. What was the highest that you did actually earn?

Mr. ZUERSHER. I have run as high as \$20, but never any more.

Commissioner COMMONS. And 10 years ago the highest that you drew was—

Mr. ZUERSHER (interrupting). Twenty-five or thirty; I have drawn thirty.

Commissioner COMMONS. Thirty.

Mr. ZUERSHER. Yes, sir; that is, in one week.

Commissioner COMMONS. Take the lowest week, when you worked a full week prior to this strike, what would you get?

Mr. ZUERSHER. Well, I have gone many a full week without getting anything.

Commissioner COMMONS. Why?

Mr. ZUERSHER. That is one of the systems in the silk trade to-day which makes it all the more acute. A man starts up a loom; that is, when he is getting a new set of warps in a loom, he is supposed to start up that loom until he has a holdfast, when the ribbon comes from the top to the bottom so that it can be run around the bottom reel, runs into a box. He has to work until he has that holdfast made without receiving any money. Sometimes, on a very particular job, very complicated job, it would take a man a week in order to start his loom. For that he receives no wages. And that yard of goods that he wove he didn't receive anything for that, because half of it would be cut away as not good. Still he would receive no wages for it. Sometimes a job of that kind would pay, probably, \$6 or \$7 for 10 yards. There would be 70 cents of goods that you have woven that you would not get anything for, besides losing your week's time in starting up this loom.

They take the position that the wages would make up; that we make up for the week's wages you lose.

Commissioner COMMONS. Are there many instances where it takes as long as a week?

Mr. ZUERSHER. Not many, but a majority of the looms it takes two and three days.

Commissioner COMMONS. Takes two and three days?

Mr. ZUERSHER. Yes, sir. I don't know of any of them that can be started earlier than half a day, and that is what we call a remount, where the same class of goods goes immediately into the loom when the other side go out, and the twistlers; it probably takes them two or three hours to twist into the looms again, according to the amount there is on the loom.

Commissioner COMMONS. That was the case 10 years ago?

Mr. ZUERSHER. Yes, sir; and it is to-day. That is one of the big faults in the silk industry.

Commissioner COMMONS. Does this four-loom system make it more intense?

Mr. ZUERSHER. I am only speaking in regard to ribbon. I don't know much about the workings of the broad silk in that respect.

Commissioner COMMONS. Do you have means of finding out what the wages of the dyers are?

Mr. ZUERSHER. I have.

Commissioner COMMONS. Dyers' helpers?

Mr. ZUERSHER. I have. I believe between \$8 and \$9 a week and some receive \$10. There was a statement made by Lotte that the dyers receive \$15.60 a week, he said, I believe. He did not say how long they worked for that \$15.60, how many hours, and from investigation I find that some of them work 15 and 16 and 12 hours a day. And through that overtime they are able to make \$15.60 a week.

Commissioner COMMONS. Do you know the prevailing rate per hour for dyers' helpers?

Mr. ZUERSHER. I believe it is 20 cents an hour.

Commissioner COMMONS. That is all I have.

Commissioner LENNON. Will you tell us as to the wages that are paid to weavers in the best shops in the city, how much per yard, in the ribbon branch?

Mr. ZUERSHER. Well, that all depends on what kind of goods they are making. A price averages anywhere from 20 cents a yard to \$1 a yard.

Commissioner LENNON. That is the best?

Mr. ZUERSHER. The dollar a yard is what we call a plaid, which requires four or five shuttles of different colors.

Commissioner LENNON. What would be the wages in mills that pay the least wages in the city? Suppose they make one of the same kinds of goods, what would they pay?

Mr. ZUERSHER. Their goods would not be exactly the same. They would make it cheaper or an inferior grade, but they would pay considerably less than they would do on the good grade. It would make a greater reduction than really they should make.

Commissioner LENNON. I want to discover for myself and for the commission as to the difference in wages paid for the same amount of work, and its effect upon the content and discontent of the workers. That is what I am after. Now, I want to ascertain what the best wages are that are paid in some of the best mills; and then, if you can tell us, what the wages are in mills that pay the lowest prices?

Mr. ZUERSHER. Well, in the best mills, I will cite one mill as the best, and that is Johnson & Ceyin. A man can probably make from \$30 to \$45 in two weeks; but then, of course, there is always to be considered the looting time after a man has woven out a set of warps until he gets another set in. Sometimes they have to wait a week, two weeks; sometimes three weeks before they are again to start at work.

Commissioner LENNON. How about the poorest place?

Mr. ZUERSHER. In the poorest place a man would probably receive from \$18 to \$25 in two weeks.

Commissioner LENNON. Does the difference in wages, as applied to weavers, apply to the other departments of the mills as well? That is, in the best mill, do they pay everybody the same?

Mr. ZUERSHER. Not the poorer mills; everybody lower; the employees in the other branches of a mill receive about the same in all the mills.

Commissioner LENNON. About the same.

Mr. ZUERSHER. Yes, sir.

Commissioner LENNON. And they work by the week, then, I presume?

Mr. ZUERSHER. They work by the week.

Commissioner LENNON. What proportion of women are employed in the industry in this city, do you think?

Mr. ZUERSHER. Well, it is my opinion, about half.

Commissioner LENNON. About half?

Mr. ZUERSHER. About half are women.

Commissioner LENNON. Are there any girls employed under 16 years of age?

Mr. ZUERSHER. Well, there have been until this present new law. I don't know whether they have been discharged since or not, but I know there are any number of them who are below 16 years of age.

Commissioner LENNON. Is there any arrangement made whereby the young people who are in the mills are given opportunity for education in night schools or vocational schools by the school system of this city?

Mr. ZUERSHER. There is a system of night schools, but it is not compulsory. They do not have to go if they don't feel like it.

Commissioner LENNON. Do they teach anything in that night school that has to do peculiarly with the trade of making silk?

Mr. ZUERSHER. No, sir.

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Commissioner LENNON. Simply the ordinary——

Mr. ZUERSHER (interrupting). The ordinary teaching that they have in the ordinary schools.

Commissioner LENNON. You have nothing in the way of vocational schools in this city?

Mr. ZUERSHER. They have a school that teaches warping and weaving, but the rank and file of the silk workers do not look with favor upon this school.

Commissioner LENNON. I want to ask something about it. Who runs this school?

Mr. ZUERSHER. I don't know who runs it.

Commissioner LENNON. Is it a private institution?

Mr. ZUERSHER. A private affair.

Commissioner LENNON. Is it not under the public-school system?

Mr. ZUERSHER. No, sir; it is a private affair.

Commissioner LENNON. In the I. W. W. do you organize local unions of weavers, entirely weavers?

Mr. ZUERSHER. Oh, no. We organize our workers into one union. We have no branches. That is, we do not organize in branches.

Commissioner LENNON. You have no weavers' union?

Mr. ZUERSHER. No, sir.

Commissioner LENNON. You have no dyers' union?

Mr. ZUERSHER. No, sir.

Commissioner LENNON. All the people in one mill are in one union?

Mr. ZUERSHER. In one union. Of course they decide their own affairs separately; that is, if they have any grievances, the dyers among themselves, they decide what shall be done in regard to the grievance.

Commissioner LENNON. Would the I. W. W. approve of a law by the State of New Jersey or by the United States looking toward intervention by conciliation or mediation or possibly arbitration of trade disputes?

Mr. ZUERSHER. I don't think they would.

Commissioner LENNON. Has the matter ever been discussed in your meeting that you recall?

Mr. ZUERSHER. I believe arbitration has been discussed and it has been rejected.

Commissioner LENNON. You spoke of one mill where contract child labor was in existence. Is there but one of those mills so far as you know, just one?

Mr. ZUERSHER. So far as I know that is the only mill. That came to our notice during the big strike.

Commissioner LENNON. I wish you would, when you are in your office and have the time, send to this commission a real comparison of wages paid to the different classes of employees in the best mills in this city and in the mills that pay the lowest price in this city.

Mr. ZUERSHER. All right.

Commissioner LENNON. And if you would, I would like to have you have it verified by some other officers in your organization.

Mr. ZUERSHER. Yes, sir.

Mr. THOMPSON. I would like to ask you, are you a member of the Socialist Party?

Mr. ZUERSHER. Yes, I am.

Mr. THOMPSON. Then, in your view, you believe in political action in attaining economic ends?

Mr. ZUERSHER. I do.

Mr. THOMPSON. You do?

Mr. ZUERSHER. Yes.

Mr. THOMPSON. And in that respect at least, you——

Mr. ZUERSHER (interrupting). I differ with the constitution of the organization.

Mr. THOMPSON. And with respect to the question Mr. Lennon asked you when you said the organization would probably not indorse a United States law dealing with the economic questions or conditions, you are referring to your organization and not to your own views?

Mr. ZUERSHER. Well, partly. I myself don't believe in arbitration.

Mr. THOMPSON. I mean in regard to the United States laws. As a Socialist, you believe in law?

Mr. ZUERSHER. Yes.

Mr. THOMPSON. You believe in an eight-hour law, for instance?

Mr. ZUERSHER. Yes.

Mr. THOMPSON. And, personally, when you answer these questions you simply spoke from the standpoint of the organization?

Mr. ZUERSTER. Yes.

Mr. THOMPSON. Are there any other members of your organization Socialists, if you know?

Mr. ZUERSTER. There are quite a few.

Mr. THOMPSON. In Paterson?

Mr. ZUERSTER. In Paterson.

Mr. THOMPSON. And so far as they are, of course, they adopt the philosophy of Socialism as a means of political action?

Mr. ZUERSTER. During our recent election for mayor, Robert H. Fordyce, Robert Rowe, and Gordon Demarest ran. Fordyce on the Republican ticket, Robert Rowe on the Democratic ticket, and Demarest on the Socialist ticket. Previous to this election our vote in the city of Paterson was probably 1,500. This election took place after the big strike. The Socialist vote climbed to the figure of 5,200, showing you that a great many of the members of the I. W. W. believe in political action.

As a matter of fact, I wish to state that one of the reasons why the I. W. W. does not believe in political action is due to the fact that the workers in general throughout the country have never received any benefits from laws made by either the national body or the State legislature. I remember that last year in the legislature of New Jersey there was a bill introduced for a nine-hour day. It passed one house and went to sleep in the Senate. I spoke to Senator McGinnis, of this county, in regards to a law by Congress for an eight-hour day, and I believe it was his opinion that if such a law was passed by Congress it would be declared unconstitutional by the Supreme Court.

I also wish to cite a case to you in regards to the United Mine Workers, which Haywood was the head of at the time. They tried to have a State law passed for an eight-hour day. I believe there was one passed, and the courts declared it unconstitutional. Later on they tried again and I believe the second law was passed, and it was also declared unconstitutional. Then the miners decided that the only possible way that they could get an eight-hour day was to make a law themselves and live up to it themselves. And they did in their meeting pass a motion that from a certain date they would work no longer than eight hours. And they put that into effect, and I believe they gained an eight-hour day through that method.

That is one of the reasons why the I. W. W. does not believe in political action and has no feeling of assurance that any political party will ever help them to gain a better condition.

Commissioner LENOX. May I correct you so that you won't make that mistake again. Mr. Haywood was never at the head and never was a member even of the United Mine Workers.

Mr. ZUERSTER. It may be the Western Federation of Miners. That is what I meant.

Commissioner LENOX. Yes.

Chairman WALSH. That is all. Thank you.

Mr. ZUERSTER. I wish to extend an invitation to the commissioners, if they should be in the city to-night. Mr. Dunn has spoken of Carlo Tresca as one of the most notorious crooks in the country to-day. This evening Carlo Tresca will address a meeting, a protest meeting for Pat Quinlan, to be held at 90 Market Street, Institute Hall, at our headquarters, where the commissioners themselves can see this notorious crook, so claimed by Mr. Dunn, in action. I extend that invitation to the commission.

Chairman WALSH. That is all for you.

Mr. THOMPSON. Mr. Cooke take the stand.

TESTIMONY OF MR. JAMES W. COOKE.

Mr. THOMPSON. Will you give us your name and your address?

Mr. COOKE. James W. Cooke, 152 Market Street.

Mr. THOMPSON. And your business, Mr. Cooke?

Mr. COOKE. Treasurer of the John W. Ferguson Co., building construction.

Mr. THOMPSON. Have you been in Paterson several years residing?

Mr. COOKE. About 40.

Mr. THOMPSON. Both residing here——

Mr. COOKE (interrupting). Sir?

Mr. THOMPSON. Both residing here and having business here?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. Are you the former president of the Charity Organization Society of Paterson?

Mr. COOKE. I am one of the former presidents.

Mr. THOMPSON. Were you the president at the time of the strike last year?

Mr. COOKE. No, sir.

Mr. THOMPSON. You were not?

Mr. COOKE. No, sir.

Mr. THOMPSON. You were here during the strike?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. Are you one of the active members of the association?

Mr. COOKE. I have been a director right along.

Mr. THOMPSON. Now, Mr. Cooke, you may tell us in your own way, briefly your way, of the causes of the strike last year in Paterson, and your view also of the method that was carried on and conducted by the strikers and also the action of the police and other authorities.

Mr. COOKE. As to the causes, I believe it was principally due to the outside agitators coming here, which made it a notable strike. I think if it had been left to the settlement of the local parties interested it would not have lasted any such length of time, or produced any such bad results in the city in the way of business that the merchants lost and loss of wages by the employees.

Mr. THOMPSON. Just at this point, Mr. Cooke, if I may interrupt with a question. Mr. Zuersher who was just on the stand testified, if I remember it correctly, that they sent for Mr. Haywood and these other outside men, two or three of them, a week before the strike was announced, in order to lead it and conduct it. Would that fact, if it were a fact, change your view as to whether or not the strike was caused by the coming in of outside people?

Mr. COOKE. No; because I don't think it was necessary to send for those outside agitators. I think they had men here who could have conducted it.

Mr. THOMPSON. Well, assuming that the men here could not conduct the strike, do you still think there would have been a strike?

Mr. COOKE. I think there would have been a strike; yes.

Mr. THOMPSON. Now, what do you think were the underlying causes of that strike, if you have an opinion on that subject?

Mr. COOKE. I don't think there was any special condition of dissatisfaction or unrest. Of course I am not personally familiar with the conditions in the silk business, but, taking the conditions of the city generally, the silk business had been—it was a matter of general knowledge that the silk business had been in poor shape for a number of years. It was slack and prices were poor, but I don't think that the fact that the savings banks had large deposits and a large number of accounts, the fact that for 10 years since the fire here, or 12 years, for instance, the number of theaters had increased from about 3 to 13 theaters and moving-picture places, those are largely supported by operatives in the mills, and I can not see that there was any special reason for dissatisfaction among the silk workers as a whole. There were undoubtedly conditions in some few of the mills which were unfair, but I can not see why they could not have adjusted those among themselves.

Mr. THOMPSON. There were about 20,000 or 25,000 people out on strike, I understand?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. And they stayed out for many weeks—from along in February until along in July. Is that correct, Mr. Cooke?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. Now, you say the savings banks have a lot of money on deposit for the workers?

Mr. COOKE. Why, the savings banks here have about \$24,000,000 of savings-bank deposits. They have about 80,000 individual accounts. In talks with the officers of the banks I am told that while there were considerable drafts during the strike, that there were comparatively few accounts closed out—mostly those that were closed were depositors who left the city, and since the strike was closed, since the strike has been over, they have practically regained all that they lost during the strike. That seems to me to show that they have resources and could not have been in a tremendously impoverished condition.

Mr. THOMPSON. Well, how do you account, if you have that view, that these workers stayed out of work so many weeks if the conditions generally were good?

Mr. COOKE. Why, I think it was mental or social intimidation.

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Mr. THOMPSON. Well, who would there be, in your opinion, or who was there at that time to exercise that intimidation over so many thousands of workers?

Mr. COOKE. Those who belonged principally to this organization who were being urged on by the agitators.

Mr. THOMPSON. You think that was sufficient to keep these people out of work?

Mr. COOKE. Yes, sir; I think it was.

Mr. THOMPSON. Generally speaking, it has been testified here both by the mill owners and by the laboring people that the wages ran from \$9 to, say, \$20 a week for weavers. Do you believe that those men and women who had been earning not much less wages, or as much in some cases, would stay out of work for some time just on the leadership of the few men? I just want to get your views. [Question not fully audible.]

Mr. COOKE. Yes; I do; under the pressure that was brought to bear I think they would do that. Of course they had considerable help while they were out.

Mr. THOMPSON. It has been stated here by Dr. McBride, who was then mayor of the city, that in many mills the hours were long, and the work was hard, and the pay was small; and that, in his opinion, that furnished a sufficient number of people who felt that conditions were wrong—right down in them—and that when these agitators came along they naturally looked to them as the leaders—he did not say so—but who, in effect, would lead them out of the wilderness. You would not concur in that?

Mr. COOKE. No; I would not quite concur with that. I think there were cases where that was true, but not generally. I do not think in general that that was the condition.

Mr. THOMPSON. Well, what percentage would you say of the workers were in that condition?

Mr. COOKE. Well, perhaps 15 or 20 per cent of the workers might be.

Mr. THOMPSON. And the other 85 or 90 per cent might have stayed on, but their basis for helping them along was a psychological feeling—

Mr. COOKE (interrupting). Well, it is human nature to be dissatisfied and to think they might get something better, and they went after it.

Mr. THOMPSON. Well, some of these 85 per cent, then, might have been dissatisfied with their conditions?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. But, in your opinion, the dissatisfaction was a surface dissatisfaction rather than deep down, is that it?

Mr. COOKE. Yes; I think that is fair—

Mr. THOMPSON (interrupting). That is not really a cause for the dissatisfaction, but just a notion that they should be dissatisfied?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. What was the action taken by the strikers? Was it an orderly strike, considering that there were 25,000 men out, or was it disorderly as compared with other strikes?

Mr. COOKE. Well, I think the fact that we got along without bringing the militia here is an indication, where a strike is of such magnitude and lasted such a length of time—I think that is an indication that it was not an unusually disorderly strike. At the same time, anyone here in the city knows that the police ambulance, or patrol wagon, was on the street at all hours and at all times during the daytime and probably at night—and you could see evidences of crowds collecting around the mills, particularly at quitting time. I have noticed it at night when I was on the way home—anywhere in the neighborhood of a silk mill there would be a crowd.

Mr. THOMPSON. Then, if I understand you correctly, Mr. Cooke, as compared with times when there was no strike, it was of a disorderly nature?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. But compared with other strikes you have heard of or read about or seen where 25,000 people have been out on a strike for three or four months, it was an orderly strike?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. And that is the opinion you want to give to the commission?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. What would you say with reference to the action of the authorities as you saw it and as you heard of it?

Mr. COOKE. I think the police handled the strike splendidly in the preservation of order.

Mr. THOMPSON. Now, with reference to the closing of the halls for a couple of months, which Capt. McBride spoke about yesterday, how did you view that action, or did you take any interest in that at all?

Mr. COOKE. I viewed that as justifiable action under the circumstances.

Mr. THOMPSON. Did you view it, however, as a legal or illegal action?

Mr. COOKE. Why, strictly speaking, it would be considered a denial of liberty.

Mr. THOMPSON. And of the right of free speech?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. And you thought that it was justifiable to close the halls, nevertheless?

Mr. COOKE. I did; yes, sir.

Mr. THOMPSON. From your point of view, what was the justice, or the cause, which made it seem justifiable?

Mr. COOKE. Why, I think the good that was to be gained to the community by stopping this disorder and instigation to trouble and stoppage of work and all the mills which followed it justified the restriction at that time.

Mr. THOMPSON. Then looking at it from the ends that should be attained, social peace and quiet, you felt that this slight infraction of free speech and liberty was justified?

Mr. COOKE. Yes, sir.

Mr. THOMPSON. I don't wish to characterize that action, but just to show the comparison between what has been said here by yourself and others, that it would be a sort of mild political sabotage justified by the ends to be attained?

Mr. COOKE. I think there is all the difference in the distinction as to whether it is for a beneficent end or an evil end.

Chairman WALSH. I didn't quite catch that.

Mr. COOKE. I think the difference is, in one case it is for a beneficent end and in the other case it is for an evil end.

Chairman WALSH. Yes; that is, you consider it would be all right for the individual to pass upon the question of violating the law, with reverence to the end to be attained?

Mr. COOKE. Not an individual, no; the community.

Chairman WALSH. Well, then, the community; do you distinguish them from the men that were working in the mills; that is, others than the strikers, you mean?

Mr. COOKE. Why, I distinguish the city or the community from the individual strikers.

Chairman WALSH. Well, now, somebody has to act, of course, for the community; is that correct?

Mr. COOKE. Yes, sir.

Chairman WALSH. And in this case it would be the police officers?

Mr. COOKE. And the authorities over them.

Chairman WALSH. And the authorities over them; and you think, then, that it would be justifiable for them to set aside a law or to disregard or to violate a law, having in consideration the end to be attained, and that you would say that they could violate it, if the end was beneficial?

Mr. COOKE. I think there are such cases; yes, sir.

Chairman WALSH. Well, then, do you think that this man who testified here or any of these men who testified that they would disturb property or destroy it are acting with any other attitude toward the law than what you ask these officials to act?

Mr. COOKE. I think there is a difference; yes, sir. I think the difference is that in one case they are working for an end to benefit the community, and in the other case they are working for an end to harm the community.

Chairman WALSH. But suppose the man thinks he is acting for the end of benefiting the community and he violates a law by blowing up a building. Do you think it should be submitted then to the arbitrament of the courts or to a jury as to whether or not the end was beneficial?

Mr. COOKE. I think you have got to be guided in that by the enlightened conscience of the majority.

Chairman WALSH. The enlightened conscience of the majority? Do you believe, Mr. Cooke—of course, every officer takes an oath to uphold the Constitution and laws as they are written, does he not?

Mr. COOKE. Yes, sir.

Chairman WALSH. If he does not do that, do you believe that he commits a crime?

Mr. COOKE. Technically, yes; morally, probably there would be exceptions?

Chairman WALSH. Morally, there would be exceptions; but if he violates his oath of office, he commits a crime?

Mr. COOKE. Yes, sir.

Chairman WALSH. And are there circumstances under which you would excuse the crime and allow the offender to go free?

Mr. COOKE. To my mind the American colonists in 1776 broke the laws of the country to which they were subjects, which was Great Britain; and among them there were men who held official positions and had sworn fealty to Great Britain. I think the event of that justified their rebellion. It seems to me that was a case where the end justified their overriding the law.

Chairman WALSH. Well, without going, of course, into the causes that lead up to the American Revolution, Mr. Cooke, I am going to ask you to specify, if possible, and answer my question directly. Do you believe that such a crime in certain instances should be excused and the offender allowed to go free; that is, where he has violated his oath of office by setting aside a written law of the State or Nation or failing to enforce it?

Mr. COOKE. I could imagine circumstances under which I would say that.

Chairman WALSH. In this day, to-day, in the State of New Jersey?

(No response.)

Chairman WALSH. Any other question?

Mr. THOMPSON. That is all.

Chairman WALSH. Just one other question: You say much assistance was given to the strikers. How much did the charity organization collect during the months of May, June, and July, if you can tell offhand?

Mr. COOKE. For the strikers?

Chairman WALSH. No; how much did it collect—your charity organization—

Mr. COOKE. Through May, June, and July?

Chairman WALSH. Through May, June, and July.

Mr. COOKE. I don't suppose it collected over \$100 or \$500.

Chairman WALSH. How much did it expend?

Mr. COOKE. Expended it all, but not for strikers.

Chairman WALSH. Were there calls from the strikers from the mills for assistance through your charity organization?

Mr. COOKE. Not collectively.

Chairman WALSH. Well, individually?

Mr. COOKE. Well, the charity organization society made no discrimination.

Chairman WALSH. Well, do you know whether any applied for it or not?

Mr. COOKE. I know that there was relief given to the children of the strikers.

Chairman WALSH. How much was expended in that way?

Mr. COOKE. Oh, probably not over \$100; but what I meant about the relief that they got was the relief that came from the outside through their own organization.

Chairman WALSH. Through their own organization?

Mr. COOKE. Yes, sir.

Chairman WALSH. From their fellow workers in other places?

Mr. COOKE. Yes, sir; and in that connection I would like to refer to the statement made here in regard to sending the children out of town, and that the matter fizzled out on the part of the authorities. The charity organization society was interested in that matter when it came up, and the superintendent thought that it would be a mistake to have them taken away, and that it was unnecessary; and he took the matter up with the mayor, Mayor McBride, and told him that any children that were in such condition—that is, where their parents were in such condition that they needed to send them away, that the charity organization society would see that they were taken care of here. And on the strength of that the mayor so notified them, and the leaders of the organization or the committee fixed a time when they would bring them down to the City Hall, and at that point of time the charity organization society had 20 workers here prepared to take the names and addresses and look up the cases and handle them in the regular way, and if we found relief was needed to give it. But they did not come around. There was nothing came of it at all. They did take some of the children out of town, but we did not consider it was necessary.

Chairman WALSH. That is all, thank you, Mr. Cooke.

TESTIMONY OF MR. JAMES STARR.

MR. THOMPSON. Mr. Starr, will you give us your name?

MR. STARR. James Starr.

MR. THOMPSON. And your address?

MR. STARR. 648 East Twenty-fifth Street.

MR. THOMPSON. And your position?

MR. STARR. Corresponding secretary of the Horizontal Warpers' Benevolent Association, and business agent also.

MR. THOMPSON. You are located in Paterson, are you now?

MR. STARR. Yes, sir.

MR. THOMPSON. How long have you been located here, Mr. Starr?

MR. STARR. About 23 years or 24.

MR. THOMPSON. Were you associated with Mr. Morgan who was on the stand here?

MR. STARR. Well, I know Mr. Morgan, and his organization and mine act sometimes in conjunction with one another.

MR. THOMPSON. I did not get your last answer.

MR. STARR. You asked me if I was associated with Mr. Morgan, I think, and I said, "Yes; in a way. But we have separate organizations."

MR. THOMPSON. In what way are you connected? What organization do you say you are connected with here?

MR. STARR. The Horizontal Warpers' Benevolent Association.

MR. THOMPSON. How long have you been connected with that association here?

MR. STARR. Well, I was one of the starters of it over 20 years ago.

MR. THOMPSON. You are pretty well acquainted, then, with the conditions in the silk mills around Paterson?

MR. STARR. Yes, sir.

MR. THOMPSON. You were here during the strike?

MR. STARR. Yes, sir.

MR. THOMPSON. All the time?

MR. STARR. Yes, sir.

MR. THOMPSON. Now, you have heard the testimony given the last three days here?

MR. STARR. Part of it.

MR. THOMPSON. I would like you to tell us in your own words, as briefly as you can, the causes, in your opinion, that led to the strike—how you viewed the action of the strikers and the action of the police.

MR. STARR. Well, in regard to the causes, I would state, first of all, that in my estimation the cause of most of the trouble was too many immigrants coming into the silk trade that did not thoroughly understand the workings of our organizations, or had not become Americanized, and the manufacturers hiring those foreigners at all kinds of wages; and after they had been here then for two or three or four or five years they become Americanized and want a little more than what they had been getting, what they had been hired for in the first place, and consequently they get discouraged and disheartened, and they get agitation going on for higher wages, and they want to come up to our American standard of living, and want to live better than they have been used to; and when the manufacturer finds out they are starting an agitation he tries to get rid of those men and supplant them with other foreigners, if he can do it, and in that way the agitation is kept going on. You might say, of course, why don't we try to organize them? Well, it is a hard proposition, in my estimation, to organize most of the foreigners that come over for several years. They are coming in so very fast that the manufacturers themselves can not find employment for them, even at the low wages. I would also state that I think they lack a great deal of education along industrial lines when they come to this country first. I was a foreigner myself—born on the other side. I had to learn a great deal when I came to America, and have learned a great deal; but some of those other people who come along here perhaps are not so adapted to learning as some others can do, and it takes them a long time to learn and get into American ways and ideas.

Now, in regards to the organization, we have tried a great many times since I have been in Paterson and have been connected with our organization to organize the foreigners as we find them and to make a good union man out of him, and also a good American citizen, if possible. In some cases it works and others it does not. The biggest majority, I should say, of the foreigners

can't see a form of organization whereby they won't be allowed to strike just as soon as they are organized. They have got some radical ideas in their heads, and until those radicals have been supplanted with others by some kind of organization that don't stand for such things as what they would like to have and like to have carried out we are going to have trouble going right on with those people. And I should say, if it was possible to organize the foreigners as they come into this country, I don't think we would have the amount of trouble or anywhere near the strikes that we have had or will have in the future.

Mr. THOMPSON. Have you made any study, Mr. Starr, of the organization of foreigners in other places than Paterson?

Mr. STARR. Yes, sir.

Mr. THOMPSON. In New York, for instance?

Mr. STARR. Yes, sir.

Mr. THOMPSON. They are organized to a great extent in New York, are they not?

Mr. STARR. Well, partly. Well, of course, they organize—that is, in New York they have got mostly the clothing trade, the garment workers—

Mr. THOMPSON (interrupting). Do you know that probably they have the same trouble with the influx of immigration there as you have here?

Mr. STARR. I would not say they have so much; no.

Mr. THOMPSON. As New York is the port of first entry?

Mr. STARR. Yes, sir; but the garment worker has generally worked at the trade on the other side, and they are good people anyhow, and most of these people that come here and go into the textile mills have not worked at the trade on the other side, so consequently I would say the garment workers get a great deal better general class of workers and people that come in into their trade than the textile workers into their trade.

Mr. THOMPSON. Then you believe that would be true of the Italians that come over here and go into the garment workers' trade in New York?

Mr. STARR. Well, I should say, generally speaking, yes, sir.

Mr. THOMPSON. You may go ahead, Mr. Starr.

Mr. STARR. Now, another thing that I have found in my experience in the silk industry in Paterson, and in dealing with the manufacturers, etc., we have got—of course some of the witnesses here on the stand I have heard testify would lead the commission to believe that a great number, in fact all the manufacturers, are not fit people to work for. I have not found it so. We have a large number of manufacturers in Paterson that I am doing business with, and have been doing business with a good many years in my official capacity, and I have found those men can be approached and that I can do business with them right along. But, on the other hand, I have found a number of others that can not be approached and who do not, in my estimation, treat their help with the consideration they ought to be treated with.

Mr. THOMPSON. Then, would it be a fair deduction from what you have said, Mr. Starr, to say that certain classes of employees are more intelligent and can be organized, and that really there is no opposition on the part of a great many manufacturers to organizations; but that the lack of organization is due to the character of the employees?

Mr. STARR. Well, I would not say that it was due to the lack of character. I would say that it is due to the uneducated condition of the employees that have not been or have not had any drilling in organization work.

Mr. THOMPSON. I don't remember what you said about the exact part of the trade you were in—

Mr. STARR (interrupting). I said I would not say that it was because of lack of character—

Mr. THOMPSON (interrupting). No, I don't mean that. But about what business you have—who are the people who work in your organization—your local?

Mr. STARR. The Horizontal Wavers' Benevolent Organization.

Mr. THOMPSON. And in dealing with them you have a great many bosses or employers who are very fair?

Mr. STARR. Yes, sir.

Mr. THOMPSON. In those mills where your organization has its members are the weavers organized by your organization—I don't mean local, but general organization?

Mr. STARR. Not at present, so far as I know.

Mr. THOMPSON. Now, where the bosses in those mills are disposed to be fair, as you say, what is the reason, specifically, that the weavers are not organized?

Mr. STARR. Well, that is something we have been trying to solve for the last 20 years and over; and I might say we have not solved the proposition yet as to why they are not organized.

Mr. THOMPSON. As a general proposition the weavers are relatively fairly intelligent, are they not?

Mr. STARR. Yes; fairly intelligent. Depends somewhat on the class of goods they are working on. Some weaves require a great deal of intelligence.

Mr. THOMPSON. Well, Mr. Morgan stated the work of a weaver was rather trying work.

Mr. THOMPSON. Yes, it is.

Mr. THOMPSON. Requiring a great deal of attention?

Mr. STARR. Yes, sir.

Mr. THOMPSON. And a person of some intelligence?

Mr. STARR. Yes, sir.

Mr. THOMPSON. And that he had to watch closely, and that to do that required attention and intelligence?

Mr. STARR. Yes, sir; I agree with him.

Mr. THOMPSON. And that his work was long, and so on. Now, taking the class of men, then, that do that class of work in these mills that you deal with, what, in your opinion, is the reason that your association or organization has not been able to organize them?

Mr. STARR. Well, they have been organized on several occasions. They have had maybe 20 or 25 organizations in the last 20 years, but the trouble has been to get them to see the necessity of organization. For instance, you get them organized and they get some better conditions than they have been having, and after you get them thoroughly organized and after you get a perfect union, then they begin to fall away in not paying dues, just as the gentleman here testified about the I. W. W., that they had about 9,000 and now they have about 1,300. They can not see the necessity of organization. They can see it just at the time, but to keep their dues up and paid and to keep up the organization to protect their trade they can not see it.

Mr. THOMPSON. Now you may go ahead and state, Mr. Starr, what you consider were the causes of the strike.

Mr. STARR. Well, of course, I have stated some of the reasons, and will say this. I was talking about some of the manufacturers, and some of these manufacturers I know from my own experience that an organization can not approach them any more than the individual can. We have got manufacturers in town, and I know it—of course I don't know just for a positive fact at the present time, but there have been in the past—where they have got several price lists in their shop—that is, maybe they have got two or three prices in different parts of the shop on the same kind of a job—and as soon as these two or three men or women who are running these looms get together and they find out that one man is getting a cent or cent and a half a yard more for weaving the same goods than the other is getting, consequently there is going to be dissatisfaction, and they will get together and the first thing you know there is going to be trouble in that factory.

Mr. THOMPSON. How did the strikers conduct themselves during the strike?

Mr. STARR. Well, in my estimation I should say this, that owing to the large number of strikers out and most of them being of foreign birth—they were not really drilled into American ways, etc.—that they conducted themselves in a very good manner.

Mr. THOMPSON. What was the action of the police?

Mr. STARR. I consider the same thing applies to the police, considering what they had to contend with and that all these people were out on a strike and crowding on the street. I consider that the police behaved themselves admirably.

Mr. THOMPSON. Do you know whether or not the strike resulted in any particular benefit either to groups of workers or to workers as a whole?

Mr. STARR. Well, I could not say so much on that, whether it done a great deal of good, or not.

Mr. THOMPSON. What sort of effect did it have on your organization?

Mr. STARR. On my organization I might state that while we were not on strike or interested in the strike, that as far as we are personally concerned we have had an advance in wages since the strike was settled; but that had nothing to do, so far as I know, with the I. W. W. strike.

Mr. THOMPSON. That is all, Mr. Chairman.

Mr. STARR. I would like to state also—I have heard the remarks of some of the different witnesses, if you will permit—

Chairman WALSH (interrupting). Yes; proceed, Mr. Starr.

Mr. STARR. Hearing the remarks of some of the different witnesses here in giving their testimony, I could not agree with them in a good many things they said. For instance, Mr. Katz, when he was on the stand here day before yesterday, he got to talking about the Henry Doherty Co., as Mr. Doherty seems to be the bone of contention in the four-loom question, etc. Now, I am not going to throw any bouquets at Mr. Doherty, but I will say this, that I have been dealing with him a great many years, and I have found out that he does recognize organizations and will deal with the union and union men on a fair and square basis. What I want to say is this: Mr. Katz made the remark that the A. F. of L. had stabbed them in the back, or something to that effect, in the strikes in the Henry Doherty shop. Now, I will take the commission back, if you will permit, to 1910, when we had a strike at that shop at that time and the United Textile Workers had a large number, perhaps half, of the weavers in the Henry Doherty shop organized and in their organization. There was some dispute arose in regard to wages and the weavers—the same as they generally do—took it in their own hands and walked out on a strike. The loom fixers and the twistors and warpers and the weavers at that time all belonged to the same organization and we had what is called a textile council, which is composed of five men from each organization. This textile council met and the matter was taken up of the Henry Doherty trouble with the weavers, and, because of the fact that the weavers had some kind of an agreement with the Henry Doherty factory at the time whereby they were supposed not to strike without they served notice on him before the strike, the council ordered them back to work. This was in 1910. But the council ordered them back to work and we took the matter up and got several price lists around the different parts of the country and in Paterson and on the outside, and succeeded in getting the weavers an advance in wages at that time. That settled that strike for the time.

In 1911—Mr. Katz spoke about that strike in the latter part of 1911 and the beginning of 1912. How that strike came about, if I remember right, was like this: The weavers in the Henry Doherty shop had still a grievance of the three and four loom question, and it was admitted that Mr. Doherty was paying more wages on the two-loom system than any other manufacturers, and I believe that is all right, because he was paying about $8\frac{1}{2}$ cents for messaline when the others were paying about $7\frac{1}{2}$ and 7. We took the matter up at that time. Of course, the organization of textile workers had dwindled somewhat, as I stated before. They would not pay their dues in the organization. Also the shop was not so strongly organized as in the previous strike of 1910. But we were strong enough to put a solid front up to Mr. Doherty; and Mr. Morgan and Mr. Doherty and myself went down there with the weavers and had several conferences, and after these conferences we agreed on an arbitration. Of course, the gentleman who preceded me did not believe in arbitration, and I do when it comes to a question of that kind.

In the meantime Mr. Katz got in some of his henchmen or agitators in the Henry Doherty shop, and they went through the mill agitating for a strike, and telling them that the A. F. of L. and the United Textile Workers were too slow to belong to; and they wanted instant action. They wanted some union where they could go right out on a strike at any time; and nothing would do Mr. Katz but he must call a strike. And I might state that we had called a meeting and the matter was submitted to arbitration, and the arbitrators had had two meetings, I believe. Mr. Katz called a meeting on a Monday night, if I am not mistaken, and in that meeting they decided they would go on a strike on the following day, which, I believe, was Tuesday. I might be a little bit off on the dates, but I think I am right. Consequently they went down to the shop in the morning and struck the Henry Doherty shop, when the arbitrators in two days after, I believe, would have given their decision, and according to the case that we had—we had a very good case—and from the case that we had we thought we would get a decision in favor of the weavers. But no; they would not wait. They jumped out on a strike instead of waiting that two days. I don't think that Mr. Katz did right in that, because he knew he was going to divide that shop against itself, and he also knew, at the same time, when he was doing that he could not do for these people what he promised them he was going to do. The strike went on afterwards for some

time. The loom fixers and the twisters, seeing Mr. Katz and this I. W. W. or Detroit organization had got the best of it and forced the strike in the Henry Doherty shop, and did away with this arbitration, we said our men should stay out of the work until such time as his came back. But they didn't all strike. And Mr. Doherty tried to get help from the outside, and succeeded to some extent.

We took the matter up with Mr. Doherty after that, and had several conferences, but we could not convince him on the four-loom proposition. He said he was satisfied to pay as much as anybody else, and give them the same conditions as anybody else, but no more. The strike went on for some time, and the weavers split amongst themselves. Then they came and made a Katz faction, and they made a U. T. W. faction, the United Textile Workers' faction, and when they came down here again in the hall at 184 Main Street, they had some pretty strong meetings amongst themselves, and could not agree. Consequently, there was a split amongst the weavers, and, I should say, about half of them went down to Henry Doherty and accepted his proposition that he made to them, and made terms with Mr. Doherty and went back to work. We told the weavers at that time that if they would stick together until the strike was either won or lost, we would hold our men out the same as they held out. But just as soon as the weavers went back to work we were at liberty to send our men back. And we met here the loom fixers' and twisters' organization, and our men sent word to meet him to have the same hours as the weavers, and they went back and the strike was settled. That is where Mr. Katz claimed we stabbed him in the back. Mr. Katz at that time, when he saw he could not get what he wanted, wanted to close the shop to organized labor, all kinds of labor, close the shop to the warpers and loom fixers and twisters, and all organized men in the shop, and because we would not let Katz get away with that idea, we are accused with stabbing him in the back.

When the strike of 1913, the Doherty shop, that was still the Doherty contention. The three and four looms were still on the carpet, and Mr. Doherty, if I remember right, had the two factions in his shop. Of course, it was then at that time, I think, that the U. T. W. went out of existence, and at that time Katz denied having the books, but there is no question in my mind that he has got the books, and he is welcome to have them.

But in regard to the 1913 strike in Doherty's shop there we had no weavers in that shop at that time who belonged to the United Textile Workers, because then the Chicago faction came in, and it was between the Chicago faction and the Detroit faction that the fight went on amongst the weavers, as to who was going to be supreme. Consequently, so far as we were concerned, we could not see where we could do anything or do any good by trying to keep them organized when they would not stand by an organization when they were organized, and we let the two factions fight it out. They called the strike in the Doherty shop, if I remember right, in 1913, and a good many of those people that Mr. Doherty got to come from other parts of the country, they were the Assyrians and so forth who took the place of the strikers in the first of the strikes, was some of the same who had started to agitate for the third strike in 1913, and those two factions, the I. W. W. got these men because they know they could use them, and they did use them to advantage in the ships, and in Doherty's in 1913, if I recall rightly, the strike was amongst the two-loom weavers. The four-loom weavers, if I recall, stayed in, and did not come out until afterwards. They were really—well, threatened or forced out. That is the history about the 1910. Of course, I want to clear that up in the minds of the commission.

In regard to these different factions we have no kicks against these I. W. W. or any organization if they want to carry on an organization along those lines; but we do claim the right to run our organization as we think is best, in an American way, and if they can't see our way of doing it they don't have to, but we can not see theirs.

In the big strike they demanded eight hours a day and 25 per cent increase in wages. Well, I want to state right now, and I want to go on record as being one of the men in favor of the eight-hour day. I think that is enough for any silk worker to have to work, because while it is not a laborious job at the best, working in a silk mill, at the same time it is tedious, and when a man or woman works eight hours continuously in a mill I think they are entitled to go home and enjoy themselves for two or three hours before they go to bed. They asked for 25 per cent increase. Well, at the time I could not see the logic—can't see it yet—of asking for an eight-hour day and the 25 per cent increase in Paterson, with our competitors in the States of Pennsylvania, New

York, Connecticut, and Massachusetts working longer hours and working for a much less wage than we are getting here in Paterson. I would be in favor at any time of an eight-hour day and increase of wages, of course, providing they could get the silk manufacturers in different parts of the country to accept a proposition along that line. But the Paterson manufacturers have to bear the brunt of that alone, and we would simply be put out of business or we would have to go to Pennsylvania or some other place where they can employ the cheap labor, after they gained the eight-hour day and 25 per cent. But I think that thing might be brought about.

I might state that during the time that the strike was going on in 1913 that the Trades and Labor Council of Paterson, which is composed of A. F. of L. unions in this city, took the matter up, and we were anxious at that time to help these people out of the trouble they got into. We were not looking for any glory out of the matter; did not care whether they organized in the A. F. of L. or not, but wanted to help them out. We volunteered our willingness to have a committee appointed. In fact, there was a committee appointed from the trades and labor council to confer with the like committee from the strikers, and tried to bring about a settlement between the manufacturers and the workers. That matter has been acted on according to information that I got from the inside from a man that sat on the committee at that time. It had been acted on and a committee appointed to confer with the trades and labor council, A. F. of L. men as they call them, when Mrs. Gurley Flynn Jones came into the meeting and knocked the whole thing into a cocked hat. She said they would have nothing to do with the A. F. of L. people, and that for us to show that we were in earnest about this matter that we had to call a 24-hour strike. It didn't make any difference whether you had an agreement with your foremen or boss, or what you had, but call your strike and let's see whether you are in earnest; then we will deal with you. Of course, that we turned down. We could not go along on that. So we did try then to bring about an adjustment, but failed in that respect.

I may state another thing. I have heard a whole lot said on the stand in regard to free speech, etc. I believe in free speech, no question about it, but not free speech for a few. I believe it should be general. We held two meetings here in this city. One was held up in the high school building, on Colt Street, and the other in the armory. The meeting in the high school building was the first to be held, so I will speak about it.

We had a large number of clergymen. It was not an I. W. W. meeting, and it was not an A. F. of L. meeting. It was simply a citizens' committee. The aldermen, I believe, called the meeting. There was a large number of ministers, and there was men from the different organizations, and the business men, etc. They attended that meeting. They tried to have a hearing. And poor Father Stein, who sat in this chair yesterday, tried to speak to the people in the high school building, but Father Stein's voice was drowned. He could not be heard saying anything because of the I. W. W. He could not be heard. Dr. Hamilton, another of the speakers, a little bit stronger physically than Father Stein, stood the test and made a speech after quite some interruptions. The meeting at the high school was not any success of any kind outside of giving these people that were hollering so much a chance to howl a little bit louder.

The next meeting that was called was called by the Trades and Labor Council of Paterson, inviting John Golden, the man whose name had been up before all the people here and all the meetings as a man that was prostituting labor, and doing all things against the labor man, and so forth. We gave Mr. Golden and the A. F. of L. people a chance to put their position right in the eyes of the public, and called the meeting in the armory, paid for the armory out of our own money, some sixty-odd dollars it cost us, and, of course, the meeting was open to everyone who wanted to come there and be heard and listen to what he said.

James Matthews, the secretary of the trades and labor council, was chairman of that meeting. When coming up Park Avenue, that is, this street out here, the continuation of Market, coming up Park Avenue, we heard an awful howling coming up, and when we got there to the hall, before the speakers got there, before anybody was on the platform. We wondered what it was all about. When we got to the hall we found big Bill Haywood walking around the hall, with his hat in his hand, making all kinds of a demonstration, and the rest of the leaders following after him. They were not there to listen, but when they could not get a chance to be heard they told their men to walk out of the hall, which they did. They did walk out—but after some time. That howl was kept

up for over two hours, and I don't think I could describe it to anybody else but this commission. They would not let us start our meeting, and the police were there, about 15 or 20 in numbers, and seeing that they were not fit to cope with the situation, somebody telephoned to the police station for more. They came up and they came right into the armory door, lined up alongside of each other, came right along the platform, same as this platform is here, and about 20 men abreast, I reckon it was, if I remember right, 20 men abreast, and these men began to shove, and about fifteen or twenty thousand—15,000, I should say—left the hall, but did not walk out. Most of them was carried out on the shoulders of the others. And after they had left the hall, then it was that those that wanted to hear Mr. Golden and the A. F. of L. speakers came back into the hall and behaved themselves and listened to what was said.

This was the meeting at the armory you have heard so much about as being such a peaceful meeting, and they were simply there to hear only him, only they could not be heard. Free speech, as I said, is all right for some people, but not for A. F. of L. men at that time. It is not all right to-day. These Socialists, and I have voted on the Socialist ticket myself sometimes, and not ashamed of it—if I find a good man I will vote for him whether Socialist or not—which claims the right of free speech, denies us the same right, and we could not get the right of free speech at the time of these meetings to put our case before the public.

There was something else said about the Pompton strikes. Mr. Lessig, when he was on the stand, included that in the strike that was won by the I. W. W. I might state that this was an A. F. of L. strike, or United Textile strike there. It started on the 20th day of June, in 1913, and it ended up on the 20th day of February, 1914, after nine months of fighting, and they got their nine hours and their 10 per cent.

Now, in order to find a remedy or to remedy the evil that we have had to contend with in Paterson for all times, it seems to me there should be some way out of it, to try to get the manufacturer and the working people together on a common level, and get away from this agitation and these disturbances periodically. I have had several suggestions made, and, of course, I agree with some of them, and I will state myself that if it was possible to have a national eight-hour law passed, whereby the States of Pennsylvania and New Jersey and all these others, could only work women and children eight hours, the same as they have in some of the State laws passed, that it might be one remedy for the evil.

Another thing I would suggest, in view of the fact that we have got so many different prices in the city right here in Paterson.

Chairman WALSH. So many different what?

Mr. STARR. In view of the fact we have so many different price lists covering the weaving in the city of Paterson, two or three in the same shop on the same kind of jobs, I would suggest a standard price list, drawn up by the manufacturers and by the weavers. They ought to get together and agree on some kind of standard price list for weaving, and I think if we got that we would not have any more strikes in Paterson, or would not have any more quarrels for some time.

Chairman WALSH. Is there anything else? Commissioner Lennon would like to ask you a few questions.

Commissioner LENNON. Will you furnish us with a statement of prices paid in the mills, showing the variations between the different mills, and furnish it to us within a few days?

Mr. STARR. No; I could not do that, Mr. Commissioner, for this reason, that that is not in my line; that is, weaving is entirely out of my line of business.

Commissioner LENNON. You are on the stand now, and Mr. Morgan is not. Will you ask Mr. Morgan to do it?

Mr. STARR. I will ask him; yes. In regard to my own organization I could do it, but not the weavers, because I am not so familiar with their work.

Chairman WALSH. Prof. Commons would like to ask you some questions.

Commissioner COMMONS. How many warpers are there in Paterson altogether?

Mr. STARR. Well, that is a question.

Commissioner COMMONS. Is there a difference between horizontal warpers—

Mr. STARR. Yes; there is the horizontal and the Swiss warpers and the hand warpers.

Commissioner COMMONS. Where is the horizontal, in a shop like broad silk?

Mr. STARR. In the broad and ribbon both, but the horizontal is generally used by the broad-silk manufacturers.

Commissioner COMMONS. There is the horizontal, then the Swiss.

Mr. STARR. And the hand warper.

Commissioner COMMONS. How do the wages differ for the different ones?

Mr. STARR. Well, of course, the wages, there is quite some difference. Our wages are quite some higher, because there is no man, so far as I know, working on the Swiss; so far as I know there is no man working on the hand warper. The only men that are working at the warping business, so far as I know, are on the horizontal, consequently the wages of the women are on the Swiss warpers. If they get paid piecework, some of them can make as high as \$15, \$16, and \$18 a week. It depends a good deal on the class of work they get and the conditions.

Commissioner COMMONS. Your work is piecework, your horizontal work?

Mr. STARR. Yes; and part of it daywork, also. If the manufacturer prefers piecework and we can strike an agreement with him, we give piecework; if he wants the daywork, we give daywork.

Commissioner COMMONS. What is the number of people in a shop, the number of warpers in a shop, of, say, 100 employees? How many would be warpers?

Mr. STARR. Well, you can figure them, one warper to 20 weavers, and get an approximation.

Commissioner COMMONS. Is there a uniform piece rate throughout all the shops?

Mr. STARR. No; because—it is something the commission would have to understand the technicalities of the business.

Commissioner COMMONS. I don't want to go into that; we haven't time.

What is the highest the warper can make on piecework?

Mr. STARR. Well, say, about from \$20 to \$22 a week.

Commissioner COMMONS. At the piece rates that is what you would make?

Mr. STARR. Yes.

Commissioner COMMONS. Do you figure the rates so he can make just about that much?

Mr. STARR. Well, we figure the rates—that is, the manufacturer does most of the figuring there, you know—but we have got the thing figured out so a man can make \$20 to \$22 or \$23 a week.

Commissioner COMMONS. When you work by the week what do you get?

Mr. STARR. We get from \$18 to \$22. Of course, we have got classified men. We have got men that are good and men that are not so good.

Commissioner COMMONS. Working on the same class of work does he get about \$20 for piecework and for week work?

Mr. STARR. Well, so far as I am personally concerned, the men I have known make more on the piecework basis than on the daywork basis, providing they get decent conditions.

Commissioner COMMONS. Well, you figure it so that a man does make more on piecework than on daywork?

Mr. STARR. Well, yes; he would make more.

Commissioner COMMONS. About how much more is he expected to make?

Mr. STARR. Well, we will say a couple of dollars a week, something like that. He works harder, I suppose, when working for himself.

Commissioner COMMONS. So you figure it out so that he makes a little bit more?

Mr. STARR. Yes.

Commissioner COMMONS. Now, then, the man that is working on piecework will regulate the amount of his work, won't he, so that he will make a little bit more than he would on daywork?

Mr. STARR. Sometimes he can not do it. It depends a great deal on the kind of work he gets. There is some kinds of work he gets he can not get anywhere near \$22 or \$23 a week.

Commissioner COMMONS. He might not?

Mr. STARR. No, sir; other conditions he might get more.

Commissioner COMMONS. Do they ever get more than \$22?

Mr. STARR. Well, yes; there are occasions when they do get a little more.

Commissioner COMMONS. On what occasion would that be?

Mr. STARR. When they do an extra good run of work.

Commissioner COMMONS. What is the highest one man gets on a good run of work, or has earned?

Mr. STARR. Well, I should say \$24 a week, or something like that.

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Commissioner COMMONS. Twenty-four dollars a week?

Mr. STARR. Yes; some of them can't make that.

Commissioner COMMONS. Do you have any rule or regulation that a man is not allowed to earn more than \$24?

Mr. STARR. Well, of course, we have got rules and regulations, but they are not compulsory rules. In order to make a man do the work right, or the weaver that comes after the warper, he has got to spend a certain time on a certain kind of job for to make a decent job of that for the weaver. For instance, the work is done in a few hours—a warper can run a warp off in an hour's time or he can take the same warp off in 10 hours' time, but the warp that is run off in 1 hour the weaver has got to do the work the warper should have done when it comes to the loom, and if the warper picks the warp before it leaves him it is so much easier for the weaver.

Commissioner COMMONS. What is the limit he is allowed to earn?

Mr. STARR. Something around \$24, I guess.

Commissioner COMMONS. He is not allowed to make more?

Mr. STARR. No.

Commissioner COMMONS. Is that part of the agreement or business?

Mr. STARR. The bosses, most of them, know we have a schedule of that kind in the shop. Doherty knows about it. We have 41 or 42 men working for Doherty.

Commissioner COMMONS. Is that a written contract?

Mr. STARR. No, sir; simply a verbal contract.

Commissioner COMMONS. A verbal agreement with them that on piecework they shall not be permitted to earn more than \$24?

Mr. STARR. We don't agree with the manufacturers, we simply tell our men.

Commissioner COMMONS. Simply make that a union rule?

Mr. STARR. Yes.

Commissioner COMMONS. So that the employer is not consulted on that question?

Mr. STARR. No, sir.

(Witness excused.)

Chairman WALSH. Call your next.

TESTIMONY OF MR. RALPH ROSENHEIM.

Mr. THOMPSON. Give us your name, address, and occupation.

Mr. ROSENHEIM. Ralph Rosenheim; 660 Fourteenth Avenue; silk manufacturer.

Mr. THOMPSON. Silk manufacturer?

Mr. ROSENHEIM. Yes, sir.

Mr. THOMPSON. What is the name of your firm?

Mr. ROSENHEIM. Augusta Silk Works.

Mr. THOMPSON. How long have you been in that business?

Mr. ROSENHEIM. Individually?

Mr. THOMPSON. Yes.

Mr. ROSENHEIM. And as a manufacturer?

Mr. THOMPSON. Yes.

Mr. ROSENHEIM. Twenty-five years.

Mr. THOMPSON. Are you the present secretary of the Silk Association of Paterson?

Mr. ROSENHEIM. Yes, sir.

Mr. THOMPSON. How long have you been secretary?

Mr. ROSENHEIM. Since its formation.

Mr. THOMPSON. When was that?

Mr. ROSENHEIM. About six months.

Mr. THOMPSON. About six months?

Mr. ROSENHEIM. Yes.

Mr. THOMPSON. And it was organized after the strike; is that correct?

Mr. ROSENHEIM. Yes, sir.

Mr. THOMPSON. Does it include both broad silk and ribbon?

Mr. ROSENHEIM. Includes the entire trade—ribbons and broad silks and allied trades.

Mr. THOMPSON. And dyeing?

Mr. ROSENHEIM. And allied trades.

Mr. THOMPSON. What percentage, in a general way, if you know approximately, what percentage of the broad-silk manufacturers are members of your association?

Mr. ROSENHEIM. I have no means of knowing.
 Mr. THOMPSON. Do you think it is 75 per cent?
 Mr. ROSENHEIM. I don't know.
 Mr. THOMPSON. Is it 100 per cent?
 Mr. ROSENHEIM. Oh, no.
 Mr. THOMPSON. Is it 50 per cent?
 Mr. ROSENHEIM. I should say 60, if I have to say.
 Mr. THOMPSON. I am not asking for an accurate figure.
 Mr. ROSENHEIM. Yes; I don't know.
 Mr. THOMPSON. I want to get your ideas.
 Mr. ROSENHEIM. Yes.
 Mr. THOMPSON. What per cent of the ribbon manufacturers in this city are members of your association?
 Mr. ROSENHEIM. Probably 70.
 Mr. THOMPSON. Now, these 65 per cent of the broad silk and 70 per cent of the ribbon, do they include the larger concerns?
 Mr. ROSENHEIM. Practically all.
 Mr. THOMPSON. Practically all the larger concerns?
 Mr. ROSENHEIM. Yes.
 Mr. THOMPSON. What percentage of the amount of broad silks woven in this city is manufactured by those 65 per cent, if you know? If not, say so.
 Mr. ROSENHEIM. Seventy-five per cent.
 Mr. THOMPSON. And of the ribbons?
 Mr. ROSENHEIM. Likewise.
 Mr. THOMPSON. Now, the silk-dyeing houses, what percentage of those houses are members of your association?
 Mr. ROSENHEIM. I think they all are.
 Mr. THOMPSON. They all are?
 Mr. ROSENHEIM. Yes.
 Mr. THOMPSON. I think there is about 20, or so it was said on the stand?
 Mr. ROSENHEIM. Well, I never heard that there were that many.
 Mr. THOMPSON. Well, how many?
 Mr. ROSENHEIM. I didn't know there were over a dozen.
 Mr. THOMPSON. Over a dozen?
 Mr. ROSENHEIM. Yes.
 Mr. THOMPSON. Well, so far as you know, they all belong?
 Mr. ROSENHEIM. All the large ones belong.
 Mr. THOMPSON. What are the allied businesses which are in your association?
 Mr. ROSENHEIM. Well, the reed and harness business is a very large business here.
 Mr. THOMPSON. What?
 Mr. ROSENHEIM. The reed and harness.
 Mr. THOMPSON. The reed and harness?
 Mr. ROSENHEIM. Yes.
 Mr. THOMPSON. Have you got a printed constitution and by-laws?
 Mr. ROSENHEIM. I have never seen any.
 Mr. THOMPSON. You have never seen any?
 Mr. ROSENHEIM. No.
 Mr. THOMPSON. Have you got a written constitution and by-laws of your association?
 Mr. ROSENHEIM. I think we have.
 Mr. THOMPSON. Would you be willing to furnish the commission with a copy of it?
 Mr. ROSENHEIM. Certainly.
 Mr. THOMPSON. Will you please do so?
 Mr. ROSENHEIM. Yes.

(The following communication was subsequently received from Mr. Rosenheim:)

THE AUGUSTA SILK WORKS,
Paterson, N. J., October 20, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS.

GENTLEMEN: Your favor of 13th instant duly received.
 I instantly communicated with our assistant secretary, Mr. Matthews, who has charge of all our books and papers, and have ascertained that the local Ribbon Manufacturers' Association has no such a thing as a printed copy of its constitution and by-laws.

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If I can be of assistance to you in other ways I should be pleased to have you call on me.

Very truly, yours,

RALPH ROSENHEIM.

MR. THOMPSON. Now, you might carry on the business—continue the list of businesses in your association? Reed and harness?

MR. ROSENHEIM. Yes; reed and harness.

MR. THOMPSON. What else?

MR. ROSENHEIM. Well, there are all sorts of supply men, men that supply various things to the various mills, where they are concerned in anything that might be of an educational nature in connection with the whole trade.

MR. THOMPSON. Well, this is a sort of general employers' association?

MR. ROSENHEIM. Yes.

MR. THOMPSON. Rather than purely a silk association?

MR. ROSENHEIM. Yes.

MR. THOMPSON. Is it allied with any other national employers' association?

MR. ROSENHEIM. No; none.

MR. THOMPSON. National Association of Manufacturers?

MR. ROSENHEIM. Not at all.

MR. THOMPSON. What are the purposes of your organization?

MR. ROSENHEIM. Why, the principal purpose is to be of an educational nature. To get together. Anything that would interest one branch would be of interest to all. As, for instance, one of our members proposes to give us a lecture shortly on raw silk, an illustrated lecture on raw silk. Then we have a legislative committee to watch legislation—the tariff, anything in that line that might be of interest to the trade at large.

MR. THOMPSON. What other questions do you consider and take up in these educational meetings?

MR. ROSENHEIM. Well, we have no stated program.

MR. THOMPSON. How many meetings have you held since your organization was formed six months ago?

MR. ROSENHEIM. There is a meeting every other month.

MR. THOMPSON. A meeting every other month?

MR. ROSENHEIM. Yes.

MR. THOMPSON. Do you mean to say there has been about three or four meetings altogether in your association?

MR. ROSENHEIM. Yes, sir.

MR. THOMPSON. In what respect have you taken up the question of labor?

MR. ROSENHEIM. Why, there has been no—

MR. THOMPSON (interrupting). Let me lead up to that; that is what I want to arrive at. The question of the relationship between the manufacturers in this city and the people who work in the mills and factories is one of the most important things that concerns Paterson, is it not?

MR. ROSENHEIM. Yes, sir.

MR. THOMPSON. In such cases as the big strike that grew out of that relationship?

MR. ROSENHEIM. Yes.

MR. THOMPSON. And other things?

MR. ROSENHEIM. Yes.

MR. THOMPSON. Now, probably, that is the most important single question that is before the manufacturer as a manufacturer, is it not?

MR. ROSENHEIM. It seems so.

MR. THOMPSON. One that has the largest interests financially, perhaps, and not only that, but it is one of the questions that requires the thought and study of the manufacturers, is it not?

MR. ROSENHEIM. Yes.

MR. THOMPSON. Now, when your association was called together of these men engaged in business and employing people, didn't they take up this all-important and principal question?

MR. ROSENHEIM. On the subject of the good and welfare of the whole trade, but nothing special has been accomplished yet, but that will be part of the program.

MR. THOMPSON. But this predominating question of employer and employee came up naturally, did it not?

MR. ROSENHEIM. Why, I can't say that it has yet. I simply say that the good and welfare will be part of our program in the future, but nothing has been done, nothing has been discussed in particular.

Mr. THOMPSON. Have you discussed the good and welfare of the 'employee—that is what you mean?

Mr. ROSENHEIM. No particular way yet.

Mr. THOMPSON. Then what you want the commission to understand is, that when the association met at these times it has met, that it did not take up this question that you say is the predominant question, the relation of the manufacturer and workingman?

Mr. ROSENHEIM. Not yet.

Mr. THOMPSON. Didn't take that up as yet?

Mr. ROSENHEIM. No.

Mr. THOMPSON. Well, you think they are going to take up the question of the good and welfare of the employee, as a matter of fact, even though that has not been touched on yet?

Mr. ROSENHEIM. Not yet.

Mr. THOMPSON. What question did they take up at these meetings? What was the character and nature of them?

Mr. ROSENHEIM. Well, so far as I can recall, the principal object was to secure a large membership.

Mr. THOMPSON. That has been the principal idea so far?

Mr. ROSENHEIM. That has been the principal idea so far.

Mr. THOMPSON. And when you seek to engage a manufacturer as a member of your organization, what do you say to him are the purposes and objects of your organization?

Mr. ROSENHEIM. Well, since I am not on the membership committee, I don't know.

Mr. THOMPSON. And the purposes and objects as they should be stated to a prospective member who has come up before you as secretary of this association?

Mr. ROSENHEIM. No.

Mr. THOMPSON. What would you think that they would say to new members or to anticipated members or prospective members?

Mr. ROSENHEIM. I would say this, that the object is largely educational; and to prove that the dues are very low, the fees are merely nominal, \$5 a year.

Mr. THOMPSON. Then, if this manufacturer should say to you, "I am willing to join the association of manufacturers, the working people are organizing, some of them into the A. F. of L. and others into the I. W. W., we ought to have a organization, but I want to know what your association is going to do with reference to that all-important question, the most important question that confronts him as the owner of this mill," then what would you say to him in regard to that question?

Mr. ROSENHEIM. I don't know.

Mr. THOMPSON. You could not satisfy him at all on that matter?

Mr. ROSENHEIM. Not at all.

Mr. THOMPSON. You have a strike on at your mill, haven't you?

Mr. ROSENHEIM. I had one.

Mr. THOMPSON. You had one?

Mr. ROSENHEIM. Yes.

Mr. THOMPSON. Had one on May 23?

Mr. ROSENHEIM. No.

Mr. THOMPSON. Did not?

Mr. ROSENHEIM. No.

Mr. THOMPSON. On May 23, did the reporter of the Paterson Evening News see you with reference to the labor proposition?

Mr. ROSENHEIM. He did.

Mr. THOMPSON. At that time did you say to him, "Not until this strike has been officially declared off will I consider taking back any of my ribbon weavers?"

Mr. ROSENHEIM. No. I told him that not until this strike is officially declared off will I consider talking to them.

Mr. THOMPSON. But why talking to them?

Mr. ROSENHEIM. I would not, let alone take them back; I would not consider even talking to them.

Mr. THOMPSON. Did you also give this language, which is quoted in the paper of that day: "Nor," continued Mr. Rosenheim, "will they be given any work in any mill in Paterson belonging to the Paterson Ribbon Manufacturers' Association?" By the way, is that a different association?

Mr. ROSENHEIM. That is a different association.

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Mr. THOMPSON. There is a ribbon manufacturers' association?

Mr. ROSENHEIM. There are various associations here.

Mr. THOMPSON. Well, let me ask about the ribbon manufacturers' association, then. How many members are there in that association?

Mr. ROSENHEIM. Thirty-four.

Mr. THOMPSON. Thirty-four?

Mr. ROSENHEIM. Yes.

Mr. THOMPSON. What per cent of the ribbon manufacturers does that comprise?

Mr. ROSENHEIM. Probably nine-tenths.

Mr. THOMPSON. How long has that association been in existence?

Mr. ROSENHEIM. Twelve years.

Mr. THOMPSON. Twelve years?

Mr. ROSENHEIM. Yes.

Mr. THOMPSON. Has it got a printed constitution and by-laws?

Mr. ROSENHEIM. I think so.

Mr. THOMPSON. Would you be willing to furnish this commission with a copy?

Mr. ROSENHEIM. I will.

Mr. THOMPSON. Will you please do that?

Mr. ROSENHEIM. I will.

(Mr. Rosenheim subsequently communicated with the commission, stating that the Paterson Ribbon Manufacturers' Association has no printed copy of its constitution and by-laws.)

Mr. THOMPSON. Now, what are the purposes and objects of that association, the Paterson Ribbon Manufacturers' Association?

Mr. ROSENHEIM. It is simply an organization the manufacturers got together; a trade organization where they can come together and get information regarding anything pertaining to the manufacturing or selling end of the trade.

Mr. THOMPSON. During the 12 years of existence of that association have they taken up this question of the relationship of the manufacturers to the people in the mill?

Mr. ROSENHEIM. Not to my knowledge.

Mr. THOMPSON. Not to your knowledge?

Mr. ROSENHEIM. No.

Mr. THOMPSON. The same answer that you gave with reference to the silk association is true of this association?

Mr. ROSENHEIM. Well, I have not been a member during the 12 years.

Mr. THOMPSON. How long have you been a member?

Mr. ROSENHEIM. About six years.

Mr. THOMPSON. During the six years you have been a member?

Mr. ROSENHEIM. No recollection.

Mr. THOMPSON. In other words, the answer you gave in regard to the other association is true of this one in regard to this labor proposition?

Mr. ROSENHEIM. Just the same.

Mr. THOMPSON. Well, then, I will ask you this question [reading]: "Nor," continued Mr. Rosenheim, "will they be given any work in Paterson in any mill belonging to the Paterson Ribbon Manufacturers' Association."

Mr. ROSENHEIM. No.

Mr. THOMPSON. You did not say that?

Mr. ROSENHEIM. No.

Mr. THOMPSON. That is an important statement, is it not, if true?

Mr. ROSENHEIM. Yes; very.

Mr. THOMPSON. Did you write to the paper correcting that statement?

Mr. ROSENHEIM. Not at all.

Mr. THOMPSON. It appears in big letters here.

Mr. ROSENHEIM. So it is; but the original copy is in my pocket. That was largely the figment of the reporter's imagination.

(Rosenheim Exhibits Nos. 1 and 2, article from the Paterson Evening News of May 23, 1914, entitled "An active blacklist is in operation here," says Mr. Rosenheim, "were submitted in printed form.")

Mr. THOMPSON. Well, you did not take that up with them?

Mr. ROSENHEIM. The exact paper is in my pocket, which was taken down to the News office, and they promised it there that they would copy it word for word, but they made an entirely different story.

Mr. THOMPSON. Is the reporter down here?

Mr. ROSENHEIM. I think he is sitting right there [indicating].

Mr. THOMPSON. Did you at that time say this, or did the reporter ask you this question: "Do you mean to say, Mr. Rosenheim, that there is a blacklist in operation in this city?"

Mr. ROSENHEIM. Never asked me that.

Mr. THOMPSON. Never asked you that?

Mr. ROSENHEIM. Never.

Mr. THOMPSON. And if that appears in this article it is not true?

Mr. ROSENHEIM. It is very untrue.

Mr. THOMPSON. Did you correct that statement in the paper?

Mr. ROSENHEIM. No, sir.

Mr. THOMPSON. You did not?

Mr. ROSENHEIM. No use correcting it.

Mr. THOMPSON. Then, did you say to him this [reading]: "Most emphatically came the answer. A blacklist so thoroughly operated that not one of the Augusta weavers will ever be given a loom in a ribbon plant in this city until this strike is officially declared off."

Mr. ROSENHEIM. No; not true.

Mr. THOMPSON. You did not state that?

Mr. ROSENHEIM. No.

Mr. THOMPSON. Did he ask you this question: "How do you maintain this blacklist?"

Mr. ROSENHEIM. No.

Mr. THOMPSON. Then, did you say this: "It is very simple. When a weaver applies for work at my mill or any other ribbon plant in the city, he is asked where he worked last; when he answered, he is told to wait for a few minutes and his place of last employment is communicated with by telephone. If he is a striker or disturber or is not entirely free from vicious influences of the I. W. W., he is told that he is not wanted. So, you see, that it is absolutely impossible for my weavers or those of any other mill in which a strike exists to obtain work in Paterson?"

Mr. ROSENHEIM. All that appeared in the previous issue of the paper and was probably copied word for word; no truth in it.

Mr. THOMPSON. That was not true either?

Mr. ROSENHEIM. Not true.

Mr. THOMPSON. Now, I would like you to tell or read from that paper the truth in regard to that statement. Is that paper which you hold the paper made at that time?

Mr. ROSENHEIM. This paper was written for Mr. Haines, the proprietor of the News. It came about in this way: We had a strike on us at the mill, and Mr. Haines had been misinformed continually, as he told me, by a committee of weavers that appeared before him, telling him that there were only six or eight weavers at work, and he asked me if I would give him the real facts. I said, "Certainly; come down to the mill; go through it. You can see whatever is going on." So, he promised to come down. Now, meantime, I prepared this paper for him; but instead of him coming, he sent a representative. He sent a representative.

This representative read this paper, and I took him through the mill so that he could see exactly what was going on and just how many weavers were at work. When he was through, he said to me, "May I have that paper?" I said, "Certainly; I want you to print it word for word." He said, "Will you object if I put it in the shape of an interview?" I said, "No; not if you confine yourself to the exact wording." With that, he left me. This is the way it reads. Supposing that Mr. Haines was coming, of course, I have taken his name, knowing that this man was to take his place.

"The strike had then been in progress in our mill—strike for a nine-hour day—for 16 weeks," and Mr. Haines was to come "in order to ascertain for himself the real situation." And that he "found all departments running practically full handed—Warping, winding, quilling, doubling, pecking, blocking, all were running full blast, and as for the weaving, Mr. Haines, going from loom to loom," he himself "counted 60 weavers at work. In answer to a question, Mr. Rosenheim stated that with the exception of 5 weavers, all were new employees, quite hard-working people, entirely free from the vicious influence of the I. W. W. In other words, it was strictly a fight for the principles of an open shop, where every man should have a right to labor when, for whom, and at what wages he pleases, without interference, and the right of every employer

to employ whomsoever he will at such wages as are mutually agreeable, without regard to whether or not the workman belongs to any organization.

"Asked whether any of the old weavers would ever be taken back, Mr. Rosenheim stated that the strike would have to be declared off before he would ever consent to talk to any of the old weavers about coming back. Moreover, that is precisely the stand taken by other ribbon manufacturers. They will not employ people who are out on strike."

In other words, to strike and work at the same time would be a very easy way to win a strike. They will strike in my place for nine hours a day and then go about town and find work wherever they can at 10 hours a day. That they call fair fighting. Those are the orders they got from the I. W. W. headquarters, in order to reduce the number of weavers out, so that they would have to support a lesser number of weavers. So they consider that fair fighting, to strike for me nine hours and go about town. Naturally, the other manufacturers do not want to employ people who are out on strike. It is no collusion, nothing of that kind. When a woman comes to the door and says, "I come from the Augusta," that is sufficient. We do not employ people who are out on strike. You can not work for me 10 hours when you are striking there for nine. I will not employ people who are out on strike, "and our people will be considered on strike and can not apparently get work here or elsewhere until they have declared the strike off."

That was the paper delivered to the news reporter, out of which he made an entirely different story, to suit his own purpose.

Mr. THOMPSON. That is all, Mr. Chairman.

Chairman WALSH. That is all. Thank you, Mr. Rosenheim.

TESTIMONY OF MR. LEON F. BANIGAN.

Mr. THOMPSON. Will you give your name and address, please?

Mr. BANIGAN. Leon F. Banigan, 575 Market Street, Paterson; reporter.

Mr. THOMPSON. On what paper?

Mr. BANIGAN. Paterson Evening News.

Mr. THOMPSON. How long have you been a reporter on that paper?

Mr. BANIGAN. Two years.

Mr. THOMPSON. Are you the reporter who took this interview from Mr. Rosenheim?

Mr. BANIGAN. I am.

Mr. THOMPSON. You may state what occurred?

Mr. BANIGAN. I visited Mr. Rosenheim's mill on the day previous to the day on which this article appeared in the paper. I was sent there by my editor, and when I arrived at the mill Mr. Rosenheim told me that he wished to show me through the mill, in order that he might satisfy the public that there was not a strike in progress at his mill. He said that there had been a strike, but that the strike was lost, as far as he was concerned, and that he never expected to hire any of those strikers until he had received official notification from the I. W. W. that the strike had been abandoned. I asked him if the strike had been officially declared. He said that it had not, and showed me a paper bearing the seal of the I. W. W.

Then he took me through the mill and he counted all of the workers in the mill, with the exception of perhaps a few quill winders, and said they were weavers. I took his word for that and wrote the story that there were 60 weavers at work in his mill.

After we had gone back to his private office we had quite a lengthy conversation about the general affairs in the silk trade, and particularly about his experiences with his help; and it was then that he told me of the pitiful scenes that were enacted in his office almost every morning when the strikers came there asking to be taken back; but said he would not take them back until they had officially declared that strike off. He then told me that neither would they be taken into any other mill in Paterson belonging to the—I think he called it—Paterson Ribbon Manufacturers' Association. I said then, "Do you mean to tell me, Mr. Rosenheim, that there is an active blacklist in Paterson, operative at the present time?" He said, "There is," and from memory, he said—I now quote—he said a blacklist—I am afraid I can not give the exact words, but the gist of it was this—I would rather state from memory now: A blacklist is thoroughly operative, and not one of my workers will be given a position in any other mill in Paterson until this strike is officially declared off. He went

further than that and explained to me the method they have of finding out whether or not a man is on strike and whether he is one of those included in that blacklist, and he told me that when his weavers or any other weavers apply at any other mill in Paterson they are asked where they worked last. They tell. Then they are told to wait a minute. He said, then the manufacturer goes inside to his private office, calls up that mill, and asks for the record of that man. If he is a striker or if he belongs to the I. W. W., or if he is not entirely free from the vicious contamination of the I. W. W., he will not be given a position.

That is the sum and substance of my interview with Mr. Rosenheim on the afternoon before the day on which this article appeared in the Paterson Evening News.

I think that is all I have to say.

Mr. THOMPSON. Thank you.

Chairman WALSH. Thank you.

TESTIMONY OF MR. HENRY MARELLI—Recalled.

Mr. MARELLI. I wish to correct some of the statements made by the prosecutor and others. It was stated by the prosecutor that convictions before the recorder were had under ordinances of the city of Paterson. Not a single conviction was obtained under an ordinance. Not a single complaint was made under an ordinance. All complaints were made under the State law concerning disorderly conduct.

The prosecutor said that there were some convictions that were sustained. Not a single conviction for disorderly conduct was sustained. In fact, of all the convictions carried up, either before the recorder or the county courts, only one has been sustained, and that is the conviction of Quinlan.

The prosecutor said every person charged with unlawful assembly and tried was convicted. That is not so. There were less than 100 convicted on the charge of unlawful assembly before the upper court, and in every case the convictions were by a jury.

And right here I wish to say in answer to Capt. McBride, when he said the juries were in sympathy with the strikers; Not a single case tried before a local jury resulted in an acquittal; not a single case against the strikers.

After one or two convictions for unlawful assembly with a jury we waived trial by jury. And on June 24—June 25, 1913, 53 were tried by the court without jury, and the record of that trial will be found on page 190 of the minutes of the court of special sessions. All of them were acquitted.

After that acquitted there was what I might term another bunch that was to be tried on the same day, but after that acquittal the prosecutor decided he would not try them—a batch of perhaps 40 who had all been indicted for unlawful assembly. None of those 40 have ever been tried.

On March 27, 1914, page 117 of the minutes of the court, 34 indictments for unlawful assembly were nolle-prossed on motion of the prosecutor.

The prosecutor said that 40 persons had been assaulted during the strike with bludgeons. There is not a single instance, or there was not a single instance, of a man or woman being attacked with a bludgeon during the strike.

Chairman WALSH. I didn't so understand it, Mr. Marelli.

Mr. MARELLI. That is what I understood him to say.

Mr. THOMPSON. I understood him to say that 40 people were injured.

Chairman WALSH. Injured. He did not say they were assaulted with a bludgeon, as I remember it.

Mr. MARELLI. In answer to that I wish to say that there were no cases of assault with a bludgeon. There was one man arrested with a bludgeon on him, and that man was drunk.

Mr. THOMPSON. What do you say about there having been 40 assaults?

Chairman WALSH. Forty assaults of all kinds.

Mr. MARELLI. Forty assaults?

Chairman WALSH. That is the way I understood it.

Mr. MARELLI. I understood him that way, and the newspapers so published it.

Mr. THOMPSON. Irrespective of that, the question is, How many were there—assaults of all kinds—40?

Mr. MARELLI. Less than 40.

Mr. THOMPSON. Less than 40?

Mr. MARELLI. Less than 40 assaults of all kinds. There were perhaps 40 mentioned in the newspapers; I will admit that.

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Chairman WALSH. I really think you are mistaken. I am going to look at the record and see about the use of the word bludgeon. I think he said 40 assaults of all kinds. The paper may be misquoting it.

Mr. MARELLI. There was not a single instance of a striker being found with a concealed weapon in his pocket in all the arrests that were made by the police for picketing. The prosecutor said there were three cases of attempts by the strikers to wreck trams. I deny that. No striker has been indicted for attempt to wreck a train. There are two under indictment, I believe, for that, but they are not strikers, or were not engaged in the strike.

He referred to a statement that was made by Mrs. Valentino, the widow of Modestino Valentino, who was murdered during the strike, that she had been promised support by the I. W. W., and that she received no support from the I. W. W. Mrs. Valentino has since denied this newspaper story. No doubt the prosecutor related simply what he had read in the newspaper. Mrs. Valentino, furthermore, says she received help from the I. W. W., and, of course, I personally know that she has received help from them.

There is one other matter. In answer to the statement made by Mr. Matthews, the editor of the Press, I simply wish to refer to the articles that have been submitted here as having appeared in the Press as to whether or not my statement that he advocated violence is true. I can not verify my statement that I made yesterday that I had offered the prosecutor, in behalf of Mr. Haywood, to waive trial by jury, as only the prosecutor and myself were present at the time the interview took place; but as to whether or not I am telling the truth or the prosecutor telling the truth as regards to that I simply wish to refer to the reliability of his statements as compared to mine as to whether he is telling the truth or I am telling the truth.

I wish to say that every one of my statements may be verified by the records. I have been very careful in this investigation to state only that which I personally knew. There are many things which I could disclose which I have not disclosed, because they were simply matters of hearsay.

Chairman WALSH. The commission will now stand adjourned.

(Whereupon, at 1:30 o'clock p. m., June 18, 1914, the commission adjourned sine die.)

EXHIBITS.

SCOTT EXHIBIT NO. 1.

DIARY OF THE PATERSON SILK STRIKE, FEBRUARY 1 TO AUGUST 2, 1913.

[By Alexander Scott.]

February 1, 1913.—Before strike had spread police boasted of being ready to "nip in bud." Arrests made from very start of walkout of 500 Doherty weavers.

February 8.—General strike declared on Wednesday, February 19, at Turn Hall. (See issue Feb. 15.)

February 26.—Six thousand now out. Meeting in Turn Hall in afternoon. About 500 workers left after meeting and were proceeding in a peaceable manner, two abreast, along sidewalk on way to South Paterson, when they were attacked by the police in a brutal and cowardly manner without warning. Flynn, Tresca, Quinlan, and Kaplan were seized by police when they emerged from hall and asked to either get out of town or be locked up. They refused to leave town, maintaining that as citizens of the United States they had a perfect right to go where they pleased, so long as they violated no law. They were rushed to jail. All halls were ordered closed against strikers, and arrests were made on the slightest pretext. The Socialist Party held a special meeting on the evening of Tuesday, 26th, and decided to take up the fight for free speech. A meeting was arranged for the following Friday in the largest hall in town (Auditorium), and I arranged to get out a special issue of my paper, the Weekly Issue, for the same day (Friday).

February 26 or 27.—Killingbeck mounted the platform in strikers' headquarters, where a considerable number of strikers were congregated, and proceeded to read the New Jersey constitution relative to free speech, when he was ordered to desist by the police chief, who, with a squad of his men, had entered the hall. Killingbeck was placed under arrest, and the chief mounted the platform and proceeded to read the riot act in all its ancient glory. He read every word of it, even to last "God save the King." Arrived at the police station Chief Binson asked Killingbeck what strange law he had been reading, to which Killingbeck replied, "Why, chief, that was the constitution of New Jersey. Never hear of it before? I thought not." Killingbeck was discharged by the chief, who evidently considered himself judge and jury as well as policeman.

February 28.—Weekly Issue off press. Five thousand taken to Paterson by myself and Dr. Korshet, of Passaic, in the doctor's auto. The papers were left in the headquarters of the Socialist Party, on Main Street, at about 10.45 a. m. A few minutes later four policemen entered the place and announced to the two or three members then present that they had orders to seize them. A protest was made and search warrant demanded, but none was produced. The papers were carted away to police headquarters—stolen. Later in the day, when the papers had been perused by the prosecutor and police, a warrant was issued for my arrest, and detectives were sent to Passaic and elsewhere in search of me. I managed to elude arrest until the evening, because the policemen did not know me from Adam. I saw them looking for me, and passed by them without being recognized.

A big free-speech meeting was arranged by the Socialist Party for that evening was held as scheduled. Several thousand people jammed the hall. I was the last speaker. I had walked into the hall unnoticed by the detectives, and when I got through was placed under arrest and marched through the streets to the police station with a jeering crowd of about 2,000 following. The jeers were directed at the police. I was placed in a cell and held incommunicado until morning, when I was released on bail of \$2,000 pending the action of the grand jury. Bail had originally been fixed at \$1,000, but Recorder Carroll took

it upon himself to increase it to \$2,000. The charge against me was "inciting hostility to the government of Paterson."

From this time on arrests were made by the wholesale. Four men were arrested on the same charge as myself for distributing my paper. Many were threatened for having it in their possession. Those who were fortunate enough to have secured a copy before they had been confiscated were forced to read it in cellars and such places. One man was arrested and later released for merely having a copy in his possession. Several peaceful people were thrown into jail on suspicion of being strikers. One man served 30 days who had no connection with the strike. He informed me that he was a tailor, lived in New York, and had visited Paterson to look up an old friend. The writer, Jack Reed, was sent to jail for being "sassy" to a policeman who had sworn at him, dug him in the ribs with his club, and ordered him to make himself scarce. A prominent artist's wife was arrested while standing on the sidewalk. She gave a fictitious name in order to avoid publicity. Innocent girls, just budding into womanhood, were thrown into the vile bastille, there to mingle with hardened criminals.

March 8.—Twenty thousand now on strike. Arrests daily. Local papers misrepresenting the strike. Strikers wonderfully peaceful. More detective agency gunmen in town.

March 10.—Police arrested, charged with grand larceny in seizing my paper without search warrant. Held in \$200 bail.

March 11.—Twelve policemen in private auto snatch handbills from three strikers who had gone to Passaic to distribute them to silk workers coming from Loch mill. Informer in union, it developed later. (See Mar. 15.)

March 15.—Up until this time at least 40 people had been jailed (two weeks). Papers appealing to patriotism of strikers; still lying ferociously. Strikers accused of violence when only violence come from police and private detective plug-uglies, with which the town is now swarming.

March 20.—Mrs. Gallo beaten up by Policeman Duffy. (See Apr. 5.)

March 30.—Meeting in baseball grounds broken up. Haywood and Lessig arrested on charge of "unlawful assemblage." Given six months by Recorder Carroll. (See Apr. 5 and photos.) Conviction later reversed by Minturn.

April 19.—Modestino shot and killed by O'Brien detective; several wounded. O'Brien men hold up, beat, and take circulars announcing an athletic exhibition from young men belonging to a church athletic club, thinking them to be strikers announcing a meeting. Circulars thrown into river without being read. Garfield citizens sign resolutions of protest against gunmen swarming their town, threatening pedestrians, and insulting women. Officials of that town extend their vacation, no doubt in order to avoid responsibility.

April 26.—Tresca, Flynn, Quinlan, and Lessig indicted on charges preferred at first police outbreak. A. F. of L. meeting in armory. Golden and Conboy get a bad turndown. Modestino funeral; 15,000 in line; three bands; very impressive.

May 3.—Another holdup in Passaic. Three men with circulars announcing Socialist meeting held up at point of gun and circulars taken from them. One man badly beaten up; was attended by Dr. Korshet. Chief Hendry, of Passaic, pretends ignorance and fails to do anything. Number of auto proves it to belong to O'Briens, said Hendry, but he couldn't do anything unless specific charges were made against the individuals in the machine at the time of the holdup. Hendry and myself had a tilt, and I gave him "rats" in the issue. Authorities threaten to prevent sending away of strikers' children. Mayor McBride says city can care for its own poor. When committee called on the mayor, taking a batch of children with them to the city hall, the mayor had left on a holiday or a visit to a sick friend, or something like that. (See photo.) May Day parade. Permit refused I. W. W.; granted Socialist Party.

May 10.—Quinlan on trial; seventh; guilty. Detective in union testified in Quinlan's favor and admitted his connection with O'Brien Agency. Murderer or Modestino not indicted.

May 24.—Wholesale arrests again. Halls ordered closed. Recorder Carroll railroading in record style. One girl gets 60 days for smiling in anticipation of being released. Another girl gets 30 days for gasping at this sentence. Horrible condition in the jail. Jack Reed describes it in Globe. Mayor Breuckman of Haledon, who invited strikers to exercise their right of free speech in his borough, ordered Paterson detectives to leave town as they only incited riot. He said the reason there was no disorder in Haledon was because of the

absence of police. Local papers venomous. Appeals to violence. "Drive I. W. W.'s out of town, organize citizen's leagues," etc. (See Issue.)

June 6.—Scott sentenced from 1 to 15 years.

June 14.—Federal probe being sought. Opinion growing that strike is being purposely prolonged by big bosses to freeze out little fellows. Several have already become bankrupt. Total arrests, up to date, about 2,000. Jail overflowing. Prof. Livingstone and others collect affidavits to present to Congress as reason for probe.

June 21.—Arrests continue. One man arrested for acting suspiciously—he whistled. Another police attack—50 arrested. Women clinging to skirts, etc. National Silk Dyeing Co.'s auto used for patrol. Morning Call describes attack as "like a thousand of bricks." Another time, "like Bulgars on Turkish frontier." Bosses break word with strikers to grant nine-hour day. Workers quit. Manufacturers refuse to meet strikers.

June 28.—Showing how fair Paterson juries are. Sixty strikers waived right of trial by jury and were discharged by the judge, who would have been ashamed to convict them on his own hook. Boyd arrested. Good bail refused.

July 5.—Quinlan suddenly arrested while sitting in court at Miss Flynn's trial, and sentenced without warning. Railroaded to Trenton before 48 hours were up. Scott pleaded to McCabe indictment. Released on \$1,000 bail.

July 13.—Vincenzo Madonna shot and killed by strike breaker. Murderer sent to jail. Later released. More false arrests. Ten discharged at once because of lack of evidence. Dunn stated he was reading Weekly Issue to see if he could not get another indictment against me. Disease rampant in dye shop that harbors strike breakers. Five hundred business men seek Federal investigation. Brutal Policeman Love arrested and held in bail for atrocious assault after commissioners had failed to act on charges of Dr. Cooper. Bosses again refuse to deal with strikers. It costs \$3,000 per week to run strikers' relief store. Thirty thousand loaves of bread given out every week.

July 19.—Police start riot in Haledon. Socialist alderman arrested for asking drunken silk boss to observe the borough ordinance relating to profanity. Bosses break word with strikers to grant nine-hour day. Workers quit.

July 26.—Mayor Breuckman indicted and held in \$2,000 bail, charged with "unlawful assemblage and malfeasance in office." Was asked to appear in court without being given reason. If a friend had not been in court at the time who could furnish bail, the Socialist mayor would have had to go to jail. Scott again arrested on charge of libel brought by Policeman Love. One thousand dollars bail. Had to stay in jail 24 hours waiting bail. Forced to take a bath in back tub a few minutes after it had been used by a young man afflicted with a virulent venereal disease. Alleged murderer of Modestino allowed privilege of means brought in from outside. Others denied this. Two strikers dragged from bed beside wives at midnight at point of gun and locked up on ridiculous charges of private detectives. Strike breaking.

August 2.—Quinlan arrested once more for retelling to Sergt. Charles Ryan as "Bummy Ryan" The gentleman in question is better known by this name than any other. In fact, few people know that his name is Charles. Blinson says Socialist speeches are far too hot. If the Socialists do not speak a little more respectful of him and the administration, he says he will revoke their permit to speak.

May, 1914.—Scott again indicted for libel, based on the same editorial as the "hostility" charge. Spent half a day in jail awaiting bail.

MARELLI EXHIBIT NO. 1.

New Jersey Supreme Court.

WILLIAM D. HAYWOOD, PROSECUTOR, *v.* CHARLES H. RYAN, AND JAMES F. CARROLL, DEFENDANTS.

ON CERTIORARI.

1. The mere fact that a person walking along a public street in a peaceable and quiet manner, is followed by a crowd of people, is not sufficient to justify his conviction of being a disorderly person upon the ground that he obstructed and interfered with persons lawfully upon such street, as provided in section 3 of "An act concerning disorderly persons." (C. S., 1927.)

2. The statute mentioned applies only to such persons as shall by their acts intentionally obstruct or interfere with the movement of persons lawfully upon a street, and, therefore, when the proof is limited to the fact that a person, while quietly walking upon a street is followed by a crowd, it will not support his conviction of being a disorderly person under such statute.

Hunziker & Randall, and Henry Marelli, for prosecutor.

Randal B. Lewis and Edward F. Merrey, for defendants.

Argued June term, 1913, before Swayze, Bergen, and Vorhees, judges.

The opinion of the court was delivered by Bergen, judge.

The prosecutor in this proceeding was convicted in the recorder's court of the city of Paterson. The conviction recites that the court found the defendant guilty of being a disorderly person within the meaning and intent of section 3 of an act entitled "An act concerning disorderly persons, approved June 11, 1898" (C. S., 1927), in that the said defendant on the day and year last aforesaid, to wit, at the city of Paterson, in the county of Passaic aforesaid, did obstruct and interfere with persons, to wit, persons unknown, upon Haledon Avenue, a public street in the said city of Paterson, who were lawfully in and upon said street; I do, therefore, adjudge said defendant to be a disorderly person within the intent and meaning of section 3 of the aforesaid act. The judgment of the court was that defendant be committed to the common jail of the county of Passaic for the period of six months. It thus appears that the conviction was based upon the finding that the defendant obstructed and interfered with persons upon a public street of the city of Paterson.

Section 3 of the act above referred to declares that persons who shall loiter or assemble upon the streets or public places of any city, being under the influence of intoxicating liquor, or who not being under such influence, shall indulge in or utter loud or indecent language, or shall address or make audible offensive remarks or comment upon any person passing along such streets or public places, or shall obstruct or interfere with any person or persons lawfully being upon such streets or public places, shall be deemed and adjudged to be a disorderly person. This conviction by its terms is restricted to the latter paragraph of the section, and, therefore, to sustain this conviction there must be some evidence that this defendant did obstruct or interfere with persons lawfully upon a public street.

A very careful examination of the evidence in this case fails to disclose anything which would justify this conviction. The first witness called was Charles H. Ryan, a member of the police force of the city of Paterson, who testified that on the day in question he saw a large crowd of people on Haledon Avenue, and that he heard yelling and hollering and saw people coming out upon their porches and upon the streets and that they threw open their windows; that the defendant was leading the crowd upon the street, which was so large that people coming from the opposite direction had to go into the street in order to get by. On cross-examination he said that the crowd was marching upon the sidewalk in order, six or seven abreast, and that the defendant was leading the crowd when he arrested him.

Another officer, James Cassidy, a police officer, testified that he saw a large crowd going up the avenue, yelling, and that the sergeant instructed the witnesses and other officers to disperse the crowd, when the defendant was arrested; that at this time he was in front of the crowd.

Several other policemen were called; but their testimony was substantially the same as that given by the other officers. All that the evidence shows is that this defendant was walking upon the sidewalk of one of the streets of Paterson, and that following him was a large crowd, marching upon the sidewalk five or six abreast. There is not a particle of testimony showing that this defendant obstructed or interfered with any person or persons; on the contrary all that appears is that he was proceeding along the sidewalk of a public highway without obstructing or interfering with any person beyond the extent to which he occupied the sidewalk. Why the crowd followed him is not made to appear, and the mere fact that he or that any number of persons were walking upon the sidewalk, no other fact appearing, would not render him liable to the charge of obstructing or interfering with persons upon the street. The presence of a large crowd upon a public street may be accounted for in many ways, but if it can be said that whenever a person, who is walking along a public highway quietly and peaceably, shall be followed by a crowd, that he may be adjudged to be a disorderly person upon the ground that he is obstructing or interfering with other persons upon such street, then almost every person having something more than a local reputation sufficient to arouse

the curiosity of the public would be liable to be apprehended as a disorderly person.

No such construction has ever been given to this law, and, in my judgment, never should, for it is intended to apply only to such as shall, by their acts, intentionally obstruct or interfere with the movement of persons lawfully upon the street. This conviction has not the slightest evidence to support the judgment that this defendant was at the time complained of a disorderly person.

The conviction will therefore be set aside

KATZ EXHIBIT NO. 21.

[The Issue, office 104 Jackson Street.]

Mr. ROBERT McLURE,
104 Washington Street, Paterson, N. J.

DEAR SIR: My attention has been just called to a letter of yours in the Daily People of September 1, 1912, wherein you make the specific charge that the Passaic issue collected money for the striking textile workers of this city and did not turn in a cent to the strike committee or the strikers.

This is an unfounded and libelous statement. It is true that a call for contributions to the strikers was issued in the April number of the issue, but not a penny was received in this office nor did any individual connected with the issue receive any contributions. Had you kept track of the issue, as you doubtless did not, you would have found an editorial item in the June number stating that no money had been received for the strikers. The books of the issue are open for inspection to anybody at any time.

Unless you make an immediate retraction of this statement in the People and the Issue, we will institute suits for libel against you and the publishers of the Daily People.

Very truly, yours,

D. S. WELSTER, *Editor*.

P. S. — A copy of this letter is being sent to the editor of the Daily People

D. S. W.

KATZ EXHIBIT NO. 22.

[Resolved — adopted at a mass meeting of the weavers of the Henry Doherty Silk Co., held at Institute Hall, 90 Market Street, Paterson, N. J., Nov. 6, 1911.]

Whereas we, the weavers of the Henry Doherty Silk Co., were organized about three years ago into the United Textile Workers of America, affiliated with the American Federation of Labor, and were promised protection to our interests and improvement of our condition; and

Whereas, for the first time in the history of the silk industry of Paterson, there is an attempt made to introduce the four-loom system on a large scale, which would be even more detrimental to the interests of the weavers than a wage reduction; and

Whereas we have made many efforts to combat this dangerous innovation, but have been thwarted at every turn by the treacherous machinations of the offshoots of the United Textile Workers of America, who used every means at their command to mislead the weavers, such as arbitration and other fake schemes; Therefore be it

Resolved, That we, the weavers employed by the Henry Doherty Silk Co., in mass meeting assembled, repudiate the United Textile Workers of America; their national president, John Golden; their national organizer, Charles Miles; and his local understrapper, Frank Hubschmitt; and be it further

Resolved, That we pledge ourselves to take a united stand against the introduction of the four-loom system and the consequent lowering of our standard of living; and be it further

Resolved, That a copy of these resolutions be given to the public press with request for publication.

RUDOLPH KATZ.
JOHN PLAMONDON.
JOHN SWEENEY
FRANCIS STERON.
ANDREW McBRIDE.

ANDRE JNO. REED.
LEWIS BRADLEY.
JOHN J. JOHN.
SWEENEY ESQUEDER.

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KATZ EXHIBIT NO. 29.

FINANCIAL STATEMENT OF LOCAL NO. 25, INDUSTRIAL WORKERS OF THE WORLD.

Income from shop collections.

Mar. 15. Passaic, shop collection.....	\$10. 75
Mar. 15. Washington, shop collection.....	2. 75
Mar. 15. Puritan, shop collection.....	4. 75
Mar. 15. Harris & Saltzberg, shop collection.....	3. 15
Mar. 16. Hembert, shop collection.....	18. 60
Mar. 16. Collins, shop collection.....	7. 00
Mar. 16. Mahn, shop collection.....	3. 50
Mar. 16. A. D. Cohen, shop collection.....	11. 50
Mar. 16. Keltz & Miller, shop collection.....	3. 90
Mar. 16. Fidelity, shop collection.....	3. 50
Mar. 16. Meyers & Meyers, shop collection.....	4. 00
Mar. 16. American Shawl, shop collection.....	16. 75
Mar. 16. Imperial, shop collection.....	12. 50
Mar. 16. Baker & Kaplan, shop collection.....	4. 85
Mar. 16. Lipman & Tondow, shop collection.....	2. 25
Mar. 16. Armour, shop collection.....	12. 35
Mar. 16. Zingier Bros., shop collection.....	1. 85
Mar. 16. Queen, shop collection.....	7. 75
Mar. 16. International, shop collection.....	6. 10
Mar. 16. J. Kremer, individual.....	. 50
Mar. 16. D. Starr, individual.....	. 50
Mar. 16. M. Bornstein, shop collection.....	1. 50
Mar. 16. Irving, shop collection.....	9. 75
Mar. 16. Robbins, shop collection.....	16. 50
Mar. 16. Popular, shop collection.....	1. 75
Mar. 16. B. Bornstein, shop collection.....	. 50
Mar. 16. Fitzgerald, individual.....	1. 00
Mar. 16. Isadore Reubens, individual.....	2. 00
Mar. 16. Peir & Bornstein, shop collection.....	9. 00
Mar. 19. P. Augustine, individual.....	1. 00
Mar. 19. Branch 278, W. C., donation.....	1. 00
Mar. 19. Local No. 3, I. W. W., donation.....	7. 00
Mar. 19. Grand, shop collection.....	3. 00
Mar. 19. Finkelstein & Diamond, shop collection.....	1. 25
Mar. 19. Ball's, shop collection.....	8. 50
Mar. 20. Standard, shop collection.....	12. 75
Mar. 21. Branch No. 300, W. C., donation.....	5. 43
Mar. 21. Columbia, shop collection.....	9. 90
Mar. 21. Fred Schofield, shop collection.....	6. 00
Mar. 21. Louisiana, shop collection.....	6. 15
Mar. 21. Mohilev, shop collection.....	3. 50
Mar. 23. J. Wolf, shop collection.....	7. 25
Mar. 23. Prudential, shop collection.....	6. 75
Mar. 23. Rosenblatt, shop collection.....	4. 00
Mar. 23. Barnet, shop collection.....	2. 20
Mar. 23. Lappin & Long, shop collection.....	9. 75
Mar. 23. S. K. S., shop collection.....	3. 50
Mar. 23. Belmont, shop collection.....	6. 75
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286. 48	
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Mar. 23. Commercial, shop collection.....	4. 50
Mar. 23. Medal, shop collection.....	3. 00
Mar. 23. S. Pollack, shop collection.....	6. 00
Mar. 23. J. Butterworth, individual.....	. 50
Mar. 23. S. Goldstein, individual.....	. 50
Mar. 23. J. Faust, shop collection.....	5. 00
Mar. 25. Fuchs & Sneider, shop collection.....	4. 00
Mar. 25. Luvan, shop collection.....	14. 60
Mar. 25. Irving (River Street), shop collection.....	1. 75
Mar. 26. Isidor Geller, shop collection.....	1. 15

INDUSTRIAL CONDITIONS AND RELATIONS IN PATERSON. 2635

Mar. 27.	Bee Hive, shop collection	\$3.50
Mar. 28.	L. H. Spoer, shop collection	16.00
Mar. 29.	Passaic, shop collection	25.25
Mar. 29.	Washington, shop collection	3.45
Mar. 29.	Puritan, shop collection	10.25
Mar. 29.	Appell Bros., shop collection	8.00
Mar. 29.	Pilgrem & Meyers, shop collection	21.30
Mar. 29.	J. Pausy, shop collection	7.00
Mar. 29.	Harris & Saltzberg, shop collection	2.80
Mar. 30.	Hembert, shop collection	18.20
Mar. 30.	A. D. Cohen, shop collection	23.75
Mar. 30.	Amour, shop collection	10.75
Mar. 30.	Diamond, shop collection	20.00
Mar. 30.	Littman & Tadow, shop collection	3.50
Mar. 30.	Irving, shop collection	8.60
Mar. 30.	Kaplan & Baker, shop collection	7.75
Mar. 30.	Star, shop collection	3.75
Mar. 30.	Volken & Keller, shop collection	3.00
Mar. 30.	Zangler Bros., shop collection	2.50
Mar. 30.	Robbins, shop collection	16.50
Mar. 30.	Popular, shop collection	4.25
Mar. 30.	Pear & Bornstein, shop collection	12.00
Mar. 30.	Jackson Bros., shop collection	7.00
Mar. 30.	Collins, shop collection	6.50
Mar. 30.	American Shawl, shop collection	17.50
Mar. 30.	Meyers & Meyers, shop collection	5.00
Mar. 30.	Queen, shop collection	15.50
Mar. 30.	Roth & Butler, shop collection	8.50
Mar. 30.	M. Bornstein, shop collection	3.00
Mar. 30.	Baker & Schofield, shop collection	14.70
Mar. 30.	Fidelity, shop collection	3.00
Mar. 30.	Soverenza, shop collection	11.00
Mar. 30.	Keltz & Miller, shop collection	2.65
Mar. 30.	Imperial, shop collection	12.75
Mar. 30.	H. Bornstein, shop collection	1.50
Mar. 30.	Fashion, shop collection	2.00
Apr. 1.	Altshuler Bros., shop collection	19.00
Apr. 1.	S. J. Aronson, shop collection	30.00
		<hr/>
		141.70
		<hr/>
Apr. 2.	Altshuler Bros., shop collection	1.25
Apr. 4.	International, shop collection	5.25
Apr. 4.	American, shop collection	17.75
Apr. 4.	Standard, shop collection	11.55
Apr. 4.	Columbia, shop collection	10.50
Apr. 5.	Imperial, shop collection	4.25
Apr. 6.	Fuchs & Snoder, shop collection	3.00
Apr. 6.	Commercial, shop collection	4.50
Apr. 6.	Ball's, shop collection	4.25
Apr. 6.	A. Rosenblatt, shop collection	3.50
Apr. 6.	Medal, shop collection	3.00
Apr. 6.	Sonnenberg & Goldberg, shop collection	1.25
Apr. 6.	Mohrlev, shop collection	3.50
Apr. 6.	Lappin & Long, shop collection	9.50
Apr. 6.	Belmont, shop collection	6.50
Apr. 6.	S. K. S., shop collection	3.50
Apr. 6.	S. J. Simpson, shop collection	5.50
Apr. 6.	J. Rutenberg, shop collection	2.25
Apr. 8.	Barnet, shop collection	2.10
Apr. 8.	S. Pollack, shop collection	5.75
Apr. 8.	Holbach's, shop collection	15.25
Apr. 10.	L. H. Spoer, shop collection	10.75
Apr. 10.	Bee Hive, shop collection	3.50
Apr. 10.	Ed Davis, shop collection	32.25
Apr. 11.	Passaic, shop collection	25.00
Apr. 11.	Puritan, shop collection	8.75

INDUSTRIAL CONDITIONS AND RELATIONS IN PATERSON. 2635

Mar. 27.	Bee Hive, shop collection	\$3.50
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Mar. 30.	American Shawl, shop collection	17.50
Mar. 30.	Meyers & Meyers, shop collection	5.00
Mar. 30.	Queen, shop collection	15.50
Mar. 30.	Roth & Butler, shop collection	8.50
Mar. 30.	M. Bornstein, shop collection	3.00
Mar. 30.	Baker & Schofield, shop collection	14.70
Mar. 30.	Fidelity, shop collection	3.00
Mar. 30.	Sovereign, shop collection	11.00
Mar. 30.	Keltz & Miller, shop collection	2.65
Mar. 30.	Imperial, shop collection	12.75
Mar. 30.	H. Bornstein, shop collection	1.50
Mar. 30.	Fashion, shop collection	2.00
Apr. 1.	Altshuler Bros., shop collection	19.00
Apr. 1.	S. J. Aronson, shop collection	30.00
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		141.70
		<hr/>
Apr. 2.	Altshuler Bros., shop collection	1.25
Apr. 4.	International, shop collection	5.25
Apr. 4.	American, shop collection	17.75
Apr. 4.	Standard, shop collection	11.55
Apr. 4.	Columbia, shop collection	10.50
Apr. 5.	Imperial, shop collection	4.25
Apr. 6.	Fuchs & Sneder, shop collection	3.00
Apr. 6.	Commercial, shop collection	4.50
Apr. 6.	Ball's, shop collection	4.25
Apr. 6.	A. Rosenblatt, shop collection	3.50
Apr. 6.	Medal, shop collection	3.00
Apr. 6.	Sonnenberg & Goldberg, shop collection	1.25
Apr. 6.	Mohrlev, shop collection	3.50
Apr. 6.	Lappin & Long, shop collection	9.50
Apr. 6.	Belmont, shop collection	6.50
Apr. 6.	S. K. S., shop collection	3.50
Apr. 6.	S. J. Simpson, shop collection	5.50
Apr. 6.	J. Rittenberg, shop collection	2.25
Apr. 8.	Barnet, shop collection	2.10
Apr. 8.	S. Pollack, shop collection	5.75
Apr. 8.	Holbach's, shop collection	15.25
Apr. 10.	L. H. Spoer, shop collection	10.75
Apr. 10.	Bee Hive, shop collection	3.50
Apr. 10.	Ed Davis, shop collection	32.25
Apr. 11.	Passaic, shop collection	25.00
Apr. 11.	Puritan, shop collection	8.75

INDUSTRIAL CONDITIONS AND RELATIONS IN PATERSON. 2637

Apr. 26. Lippman & Hoffman, shop collection.....	\$3. 25
Apr. 26. Harris & Saltzberg, shop collection.....	3. 50
Apr. 27. Brockman, shop collection.....	6. 00
Apr. 27. Queen, shop collection.....	14. 25
Apr. 27. Jackson Bros., shop collection.....	6.30
Apr. 27. Appel Bros., shop collection.....	13. 25
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	338. 65
Apr. 27. Diamond, shop collection.....	19. 50
Apr. 27. Kaplan & Baker, shop collection.....	6. 50
Apr. 27. S. Golstein, individual.....	. 50
Apr. 27. Yolkin & Keller, shop collection.....	3. 00
Apr. 27. Peir & Bornstein, shop collection.....	11. 75
Apr. 27. M. Bornstein, shop collection.....	2. 00
Apr. 27. Fidelity, shop collection.....	3. 00
Apr. 27. H. Bornstein, shop collection.....	1. 50
Apr. 29. Robbins, shop collection.....	16. 00
Apr. 29. Keltz & Miller, shop collection.....	6. 50
Apr. 30. Altshuler Bros., shop collection.....	22. 10
May 3. Mrs. R. Hammer, collection.....	5. 65
May 3. Chairman of Mohrlev, shop collection.....	. 50
May 3. Columbia, shop collection.....	7. 50
May 4. Rosenblatt, shop collection.....	3. 50
May 4. Grand, shop collection.....	3. 00
May 4. S. Pollack, shop collection.....	2. 50
May 4. Siff & Cohen, shop collection.....	19. 75
May 4. S. J. Simpson, shop collection.....	5. 75
May 4. M. Goldhammer, shop collection.....	. 50
May 4. Belmont, S. C. shop collection.....	5. 75
May 4. Hohmes, shop collection.....	14. 25
May 4. Luvan, shop collection.....	13. 10
May 6. Ch. Silberstein, individual.....	. 50
May 6. S. K. S., shop collection.....	3. 00
May 9. Passaic, shop collection.....	24. 00
May 10. E. Farley and A. King (Brooklyn).....	1. 00
May 11. Diamond, shop collection.....	16. 50
May 11. C. H. Spoer, shop collection.....	6. 75
May 11. Queen, shop collection.....	16. 00
May 11. L. Gelbard, individual.....	. 25
May 11. Kaplan & Baker, shop collection.....	5. 00
May 11. Peir & Bornstein, shop collection.....	1. 00
May 11. Robbins, shop collection.....	16. 00
May 11. Keltz & Miller, shop collection.....	8. 00
May 11. S. J. Kaplan, individual.....	. 50
May 14. Appel Bros., shop collection.....	9. 45
May 14. List No. 457, per Palmer.....	4. 75
May 18. Demarest, shop collection.....	22. 50
May 20. Hohmes, shop collection.....	15. 75
May 20. S. K. S., shop collection.....	3. 00
May 20. Belmont, shop collection.....	5. 75
May 20. Fabians (Taylor's shop).....	3. 60
May 20. Ch. Silberstein, shop collection.....	1. 00
May 25. Queen, shop collection.....	15. 75
June 1. Hohmes, shop collection.....	14. 50
June 1. J. Schwartz, jr., shop collection.....	6. 50
June 1. S. J. Simpson, shop collection.....	5. 50
June 1. Appel Bros., shop collection.....	1. 00
June 1. Belmont, shop collection.....	3. 25
June 3. S. Russack, individual.....	. 75
June 7. Passaic, shop collection.....	9. 25
June 8. Queen, shop collection.....	14. 75
June 10. M. Newman, individual.....	. 50
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INDUSTRIAL CONDITIONS AND RELATIONS IN PATERSON. 2637

Apr. 26. Lippman & Hoffman, shop collection.....	\$3. 25
Apr. 26. Harris & Saltzberg, shop collection.....	3. 50
Apr. 27. Brockman, shop collection.....	6. 00
Apr. 27. Queen, shop collection.....	14. 25
Apr. 27. Jackson Bros., shop collection.....	6.30
Apr. 27. Appel Bros., shop collection.....	13. 25
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	338. 65
Apr. 27. Diamond, shop collection.....	19. 50
Apr. 27. Kaplan & Baker, shop collection.....	6. 50
Apr. 27. S. Golstein, individual.....	. 50
Apr. 27. Yolkin & Keller, shop collection.....	3. 00
Apr. 27. Peir & Bornstein, shop collection.....	11. 75
Apr. 27. M. Bornstein, shop collection.....	2. 00
Apr. 27. Fidelity, shop collection.....	3. 00
Apr. 27. H. Bornstein, shop collection.....	1. 50
Apr. 29. Robbins, shop collection.....	16. 00
Apr. 29. Keltz & Miller, shop collection.....	6. 50
Apr. 30. Altshuler Bros., shop collection.....	22. 10
May 3. Mrs. R. Hammer, collection.....	5. 65
May 3. Chairman of Mohrlev, shop collection.....	. 50
May 3. Columbia, shop collection.....	7. 50
May 4. Rosenblatt, shop collection.....	3. 50
May 4. Grand, shop collection.....	3. 00
May 4. S. Pollack, shop collection.....	2. 50
May 4. Siff & Cohen, shop collection.....	19. 75
May 4. S. J. Simpson, shop collection.....	5. 75
May 4. M. Goldhammer, shop collection.....	. 50
May 4. Belmont, S. C. shop collection.....	5. 75
May 4. Hohmes, shop collection.....	14. 25
May 4. Luvan, shop collection.....	13. 10
May 6. Ch. Silberstein, individual.....	. 50
May 6. S. K. S., shop collection.....	3. 00
May 9. Passaic, shop collection.....	24. 00
May 10. E. Farley and A. King (Brooklyn).....	1. 00
May 11. Diamond, shop collection.....	16. 50
May 11. C. H. Spoer, shop collection.....	6. 75
May 11. Queen, shop collection.....	16. 00
May 11. L. Gelbard, individual.....	. 25
May 11. Kaplan & Baker, shop collection.....	5. 00
May 11. Peir & Bornstein, shop collection.....	1. 00
May 11. Robbins, shop collection.....	16. 00
May 11. Keltz & Miller, shop collection.....	8. 00
May 11. S. J. Kaplan, individual.....	. 50
May 14. Appel Bros., shop collection.....	9. 45
May 14. List No. 457, per Palmer.....	4. 75
May 18. Demarest, shop collection.....	22. 50
May 20. Hohmes, shop collection.....	15. 75
May 20. S. K. S., shop collection.....	3. 00
May 20. Belmont, shop collection.....	5. 75
May 20. Fabians (Taylor's shop).....	3. 60
May 20. Ch. Silberstein, shop collection.....	1. 00
May 25. Queen, shop collection.....	15. 75
June 1. Hohmes, shop collection.....	14. 50
June 1. J. Schwartz, jr., shop collection.....	6. 50
June 1. S. J. Simpson, shop collection.....	5. 50
June 1. Appel Bros., shop collection.....	1. 00
June 1. Belmont, shop collection.....	3. 25
June 3. S. Russack, individual.....	. 75
June 7. Passaic, shop collection.....	9. 25
June 8. Queen, shop collection.....	14. 75
June 10. M. Newman, individual.....	. 50
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INDUSTRIAL CONDITIONS AND RELATIONS IN PATERSON. 2637

Apr. 26. Lippman & Hoffman, shop collection.....	\$3. 25
Apr. 26. Harris & Saltzberg, shop collection.....	3. 50
Apr. 27. Brockman, shop collection.....	6. 00
Apr. 27. Queen, shop collection.....	14. 25
Apr. 27. Jackson Bros., shop collection.....	6.30
Apr. 27. Appel Bros., shop collection.....	13. 25
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	338. 65
Apr. 27. Diamond, shop collection.....	19. 50
Apr. 27. Kaplan & Baker, shop collection.....	6. 50
Apr. 27. S. Golstein, individual.....	. 50
Apr. 27. Yolkin & Keller, shop collection.....	3. 00
Apr. 27. Peir & Bornstein, shop collection.....	11. 75
Apr. 27. M. Bornstein, shop collection.....	2. 00
Apr. 27. Fidelity, shop collection.....	3. 00
Apr. 27. H. Bornstein, shop collection.....	1. 50
Apr. 29. Robbins, shop collection.....	16. 00
Apr. 29. Keltz & Miller, shop collection.....	6. 50
Apr. 30. Altshuler Bros., shop collection.....	22. 10
May 3. Mrs. R. Hammer, collection.....	5. 65
May 3. Chairman of Mohrlev, shop collection.....	. 50
May 3. Columbia, shop collection.....	7. 50
May 4. Rosenblatt, shop collection.....	3. 50
May 4. Grand, shop collection.....	3. 00
May 4. S. Pollack, shop collection.....	2. 50
May 4. Siff & Cohen, shop collection.....	19. 75
May 4. S. J. Simpson, shop collection.....	5. 75
May 4. M. Goldhammer, shop collection.....	. 50
May 4. Belmont, S. C. shop collection.....	5. 75
May 4. Hohmes, shop collection.....	14. 25
May 4. Luvan, shop collection.....	13. 10
May 6. Ch. Silberstein, individual.....	. 50
May 6. S. K. S., shop collection.....	3. 00
May 9. Passaic, shop collection.....	24. 00
May 10. E. Farley and A. King (Brooklyn).....	1. 00
May 11. Diamond, shop collection.....	16. 50
May 11. C. H. Spoer, shop collection.....	6. 75
May 11. Queen, shop collection.....	16. 00
May 11. L. Gelbard, individual.....	. 25
May 11. Kaplan & Baker, shop collection.....	5. 00
May 11. Peir & Bornstein, shop collection.....	1. 00
May 11. Robbins, shop collection.....	16. 00
May 11. Keltz & Miller, shop collection.....	8. 00
May 11. S. J. Kaplan, individual.....	. 50
May 14. Appel Bros., shop collection.....	9. 45
May 14. List No. 457, per Palmer.....	4. 75
May 18. Demarest, shop collection.....	22. 50
May 20. Hohmes, shop collection.....	15. 75
May 20. S. K. S., shop collection.....	3. 00
May 20. Belmont, shop collection.....	5. 75
May 20. Fabians (Taylor's shop).....	3. 60
May 20. Ch. Silberstein, shop collection.....	1. 00
May 25. Queen, shop collection.....	15. 75
June 1. Hohmes, shop collection.....	14. 50
June 1. J. Schwartz, jr., shop collection.....	6. 50
June 1. S. J. Simpson, shop collection.....	5. 50
June 1. Appel Bros., shop collection.....	1. 00
June 1. Belmont, shop collection.....	3. 25
June 3. S. Russack, individual.....	. 75
June 7. Passaic, shop collection.....	9. 25
June 8. Queen, shop collection.....	14. 75
June 10. M. Newman, individual.....	. 50
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2640 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mar. 28. Printing	\$1.00
Mar. 28. Stationery	.75
Mar. 28. Two ink bottles	.10
Mar. 28. Stationery	2.15
Mar. 28. Car fare	.30
Mar. 28. Rubber date stamp	.30
Mar. 28. First payment on furniture to independent union	125.00
Mar. 28. Jos. Titmas, expenses to Scranton, Pa.	10.00
Mar. 28. Stationery	.90
Mar. 30. Stationery	1.14
Mar. 30. Salary of secretary for one week from March 25	10.00
Mar. 30. Committee from Siff & Cohen, expenses to Summit, N. J.	1.92
Total expenses from Feb. 26 to Mar. 31	740.94

APRIL EXPENDITURES.

Apr. 1. Stationery	2.75
Apr. 2. Chairman of Ball Silk Co., for lost time	1.80
Apr. 2. H. Stur, for removal of furniture, No. 266 Main Street	1.25
Apr. 3. Office fixtures	.30
Apr. 3. Postal cards	.52
Apr. 4. Stationery	.25
Apr. 4. Hire of auditorium, Edison Street	25.00
Apr. 4. Printing	19.00
Apr. 4. B. Menkes, two weeks' salary, commencing Mar. 21	24.00
Apr. 5. Janitor service, 185 Main Street	2.50
Apr. 5. Two strike breakers from Elmira, N. Y.	1.75
Apr. 5. Rudolph Katz, salary	15.00
Apr. 6. Salary of secretary, one week, commencing Mar. 30	10.00
Apr. 8. Committee from Siff & Cohen, expenses	.75
Apr. 9. H. B. Katay, rent for No. 266 Main Street for month of April	40.00
Apr. 9. Paid fine for Shevelenco, arrested for distributing circulars	5.00
Apr. 9. Rent for No. 184 Main Street in advance for April, May, and June	112.50
Apr. 9. Hire of band for auditorium (mass meeting Apr. 9)	15.00
Apr. 9. Car fare for girls from Bayonne, N. J. (mass meeting)	10.00
Apr. 9. J. Friedman, for siphon for mass meeting Apr. 9	.15
Apr. 9. Stationery	.75
Apr. 9. Stationery	.30
Apr. 10. Telephone bill	5.00
Apr. 10. Gas and electric-light bill	21.30
Apr. 10. Postage stamps	1.00
Apr. 10. Wm. Foster, expenses for arranging hall meeting	.35
Apr. 12. B. Menkes, treasurer one week from Apr. 4 (salary)	12.00
Apr. 12. J. Titmas, lunch	.15
Apr. 12. Committee expenses to Passaic	.50
Apr. 12. J. Friedman, expenses to New York	4.00
Apr. 12. Music expenses, brass band, auditorium, Apr. 9	37.50
Apr. 12. H. Pachman, for arranging a number of meetings	12.15
Apr. 12. Postage, for calling shop chairman's meetings	1.00
Apr. 12. L. Lazer, for printing	20.00
Apr. 12. Harry Rubinstein, one week's salary, commencing Apr. 1	6.00
Apr. 12. Car fare	.30
Apr. 12. Office supplies	1.50
Apr. 12. J. Friedman, expenses to West Hoboken, N. J.	1.00
Apr. 15. Rudolph Katz, salary	15.00
Apr. 15. H. Rubinstein, one week's salary, commencing Apr. 7	6.00
Apr. 15. Angie Alpsi, janitor service, one week	5.00
Apr. 16. Rudolph Katz, salary	10.00
Apr. 16. Printing	16.00
Apr. 16. Janitor service, No. 266 Main Street	3.00
Apr. 16. Stationery, postals, and stamps	2.35
Apr. 16. Balance on Turn Hall	10.00
Apr. 16. Telephone call	.05
Apr. 16. Stationery	.50
Apr. 17. Stationery	7.55
Apr. 17. Date stamp	.30

2640 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mar. 28. Printing	\$1.00
Mar. 28. Stationery	.75
Mar. 28. Two ink bottles	.10
Mar. 28. Stationery	2.15
Mar. 28. Car fare	.30
Mar. 28. Rubber date stamp	.30
Mar. 28. First payment on furniture to independent union	125.00
Mar. 28. Jos. Titmas, expenses to Scranton, Pa.	10.00
Mar. 28. Stationery	.90
Mar. 30. Stationery	1.14
Mar. 30. Salary of secretary for one week from March 25	10.00
Mar. 30. Committee from Siff & Cohen, expenses to Summit, N. J.	1.92
Total expenses from Feb. 26 to Mar. 31	740.94

APRIL EXPENDITURES.

Apr. 1. Stationery	2.75
Apr. 2. Chairman of Ball Silk Co., for lost time	1.80
Apr. 2. H. Stur, for removal of furniture, No. 266 Main Street	1.25
Apr. 3. Office fixtures	.30
Apr. 3. Postal cards	.52
Apr. 4. Stationery	.25
Apr. 4. Hire of auditorium, Edison Street	25.00
Apr. 4. Printing	19.00
Apr. 4. B. Menkes, two weeks' salary, commencing Mar. 21	24.00
Apr. 5. Janitor service, 185 Main Street	2.50
Apr. 5. Two strike breakers from Elmira, N. Y.	1.75
Apr. 5. Rudolph Katz, salary	15.00
Apr. 6. Salary of secretary, one week, commencing Mar. 30	10.00
Apr. 8. Committee from Siff & Cohen, expenses	.75
Apr. 9. H. B. Katay, rent for No. 266 Main Street for month of April	40.00
Apr. 9. Paid fine for Shevelenco, arrested for distributing circulars	5.00
Apr. 9. Rent for No. 184 Main Street in advance for April, May, and June	112.50
Apr. 9. Hire of band for auditorium (mass meeting Apr. 9)	15.00
Apr. 9. Car fare for girls from Bayonne, N. J. (mass meeting)	10.00
Apr. 9. J. Friedman, for siphon for mass meeting Apr. 9	.15
Apr. 9. Stationery	.75
Apr. 9. Stationery	.30
Apr. 10. Telephone bill	5.00
Apr. 10. Gas and electric-light bill	21.30
Apr. 10. Postage stamps	1.00
Apr. 10. Wm. Foster, expenses for arranging hall meeting	.35
Apr. 12. B. Menkes, treasurer one week from Apr. 4 (salary)	12.00
Apr. 12. J. Titmas, lunch	.15
Apr. 12. Committee expenses to Passaic	.50
Apr. 12. J. Friedman, expenses to New York	4.00
Apr. 12. Music expenses, brass band, auditorium, Apr. 9	37.50
Apr. 12. H. Pachman, for arranging a number of meetings	12.15
Apr. 12. Postage, for calling shop chairman's meetings	1.00
Apr. 12. L. Lazer, for printing	20.00
Apr. 12. Harry Rubinstein, one week's salary, commencing Apr. 1	6.00
Apr. 12. Car fare	.30
Apr. 12. Office supplies	1.50
Apr. 12. J. Friedman, expenses to West Hoboken, N. J.	1.00
Apr. 15. Rudolph Katz, salary	15.00
Apr. 15. H. Rubinstein, one week's salary, commencing Apr. 7	6.00
Apr. 15. Angie Alpsi, janitor service, one week	5.00
Apr. 16. Rudolph Katz, salary	10.00
Apr. 16. Printing	16.00
Apr. 16. Janitor service, No. 266 Main Street	3.00
Apr. 16. Stationery, postals, and stamps	2.35
Apr. 16. Balance on Turn Hall	10.00
Apr. 16. Telephone call	.05
Apr. 16. Stationery	.50
Apr. 17. Stationery	7.55
Apr. 17. Date stamp	.30

2640 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mar. 28. Printing	\$1.00
Mar. 28. Stationery	.75
Mar. 28. Two ink bottles	.10
Mar. 28. Stationery	2.15
Mar. 28. Car fare	.30
Mar. 28. Rubber date stamp	.30
Mar. 28. First payment on furniture to independent union	125.00
Mar. 28. Jos. Titmas, expenses to Scranton, Pa.	10.00
Mar. 28. Stationery	.90
Mar. 30. Stationery	1.14
Mar. 30. Salary of secretary for one week from March 25	10.00
Mar. 30. Committee from Siff & Cohen, expenses to Summit, N. J.	1.92
Total expenses from Feb. 26 to Mar. 31	740.94

APRIL EXPENDITURES.

Apr. 1. Stationery	2.75
Apr. 2. Chairman of Ball Silk Co., for lost time	1.80
Apr. 2. H. Stur, for removal of furniture, No. 266 Main Street	1.25
Apr. 3. Office fixtures	.30
Apr. 3. Postal cards	.52
Apr. 4. Stationery	.25
Apr. 4. Hire of auditorium, Edison Street	25.00
Apr. 4. Printing	19.00
Apr. 4. B. Menkes, two weeks' salary, commencing Mar. 21	24.00
Apr. 5. Janitor service, 185 Main Street	2.50
Apr. 5. Two strike breakers from Elmira, N. Y.	1.75
Apr. 5. Rudolph Katz, salary	15.00
Apr. 6. Salary of secretary, one week, commencing Mar. 30	10.00
Apr. 8. Committee from Siff & Cohen, expenses	.75
Apr. 9. H. B. Katay, rent for No. 266 Main Street for month of April	40.00
Apr. 9. Paid fine for Shevelenco, arrested for distributing circulars	5.00
Apr. 9. Rent for No. 184 Main Street in advance for April, May, and June	112.50
Apr. 9. Hire of band for auditorium (mass meeting Apr. 9)	15.00
Apr. 9. Car fare for girls from Bayonne, N. J. (mass meeting)	10.00
Apr. 9. J. Friedman, for siphon for mass meeting Apr. 9	.15
Apr. 9. Stationery	.75
Apr. 9. Stationery	.30
Apr. 10. Telephone bill	5.00
Apr. 10. Gas and electric-light bill	21.30
Apr. 10. Postage stamps	1.00
Apr. 10. Wm. Foster, expenses for arranging hall meeting	.35
Apr. 12. B. Menkes, treasurer one week from Apr. 4 (salary)	12.00
Apr. 12. J. Titmas, lunch	.15
Apr. 12. Committee expenses to Passaic	.50
Apr. 12. J. Friedman, expenses to New York	4.00
Apr. 12. Music expenses, brass band, auditorium, Apr. 9	37.50
Apr. 12. H. Pachman, for arranging a number of meetings	12.15
Apr. 12. Postage, for calling shop chairman's meetings	1.00
Apr. 12. L. Lazer, for printing	20.00
Apr. 12. Harry Rubinstein, one week's salary, commencing Apr. 1	6.00
Apr. 12. Car fare	.30
Apr. 12. Office supplies	1.50
Apr. 12. J. Friedman, expenses to West Hoboken, N. J.	1.00
Apr. 15. Rudolph Katz, salary	15.00
Apr. 15. H. Rubinstein, one week's salary, commencing Apr. 7	6.00
Apr. 15. Angie Alpsi, janitor service, one week	5.00
Apr. 16. Rudolph Katz, salary	10.00
Apr. 16. Printing	16.00
Apr. 16. Janitor service, No. 266 Main Street	3.00
Apr. 16. Stationery, postals, and stamps	2.35
Apr. 16. Balance on Turn Hall	10.00
Apr. 16. Telephone call	.05
Apr. 16. Stationery	.50
Apr. 17. Stationery	7.55
Apr. 17. Date stamp	.30

2640 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mar. 28. Printing	\$1.00
Mar. 28. Stationery	.75
Mar. 28. Two ink bottles	.10
Mar. 28. Stationery	2.15
Mar. 28. Car fare	.30
Mar. 28. Rubber date stamp	.30
Mar. 28. First payment on furniture to independent union	125.00
Mar. 28. Jos. Titmas, expenses to Scranton, Pa.	10.00
Mar. 28. Stationery	.90
Mar. 30. Stationery	1.14
Mar. 30. Salary of secretary for one week from March 25	10.00
Mar. 30. Committee from Siff & Cohen, expenses to Summit, N. J.	1.92
Total expenses from Feb. 26 to Mar. 31	740.94

APRIL EXPENDITURES.

Apr. 1. Stationery	2.75
Apr. 2. Chairman of Ball Silk Co., for lost time	1.80
Apr. 2. H. Stur, for removal of furniture, No. 266 Main Street	1.25
Apr. 3. Office fixtures	.30
Apr. 3. Postal cards	.52
Apr. 4. Stationery	.25
Apr. 4. Hire of auditorium, Edison Street	25.00
Apr. 4. Printing	19.00
Apr. 4. B. Menkes, two weeks' salary, commencing Mar. 21	24.00
Apr. 5. Janitor service, 185 Main Street	2.50
Apr. 5. Two strike breakers from Elmira, N. Y.	1.75
Apr. 5. Rudolph Katz, salary	15.00
Apr. 6. Salary of secretary, one week, commencing Mar. 30	10.00
Apr. 8. Committee from Siff & Cohen, expenses	.75
Apr. 9. H. B. Katay, rent for No. 266 Main Street for month of April	40.00
Apr. 9. Paid fine for Shevelenco, arrested for distributing circulars	5.00
Apr. 9. Rent for No. 184 Main Street in advance for April, May, and June	112.50
Apr. 9. Hire of band for auditorium (mass meeting Apr. 9)	15.00
Apr. 9. Car fare for girls from Bayonne, N. J. (mass meeting)	10.00
Apr. 9. J. Friedman, for siphon for mass meeting Apr. 9	.15
Apr. 9. Stationery	.75
Apr. 9. Stationery	.30
Apr. 10. Telephone bill	5.00
Apr. 10. Gas and electric-light bill	21.30
Apr. 10. Postage stamps	1.00
Apr. 10. Wm. Foster, expenses for arranging hall meeting	.35
Apr. 12. B. Menkes, treasurer one week from Apr. 4 (salary)	12.00
Apr. 12. J. Titmas, lunch	.15
Apr. 12. Committee expenses to Passaic	.50
Apr. 12. J. Friedman, expenses to New York	4.00
Apr. 12. Music expenses, brass band, auditorium, Apr. 9	37.50
Apr. 12. H. Pachman, for arranging a number of meetings	12.15
Apr. 12. Postage, for calling shop chairman's meetings	1.00
Apr. 12. L. Lazer, for printing	20.00
Apr. 12. Harry Rubinstein, one week's salary, commencing Apr. 1	6.00
Apr. 12. Car fare	.30
Apr. 12. Office supplies	1.50
Apr. 12. J. Friedman, expenses to West Hoboken, N. J.	1.00
Apr. 15. Rudolph Katz, salary	15.00
Apr. 15. H. Rubinstein, one week's salary, commencing Apr. 7	6.00
Apr. 15. Angie Alpsi, janitor service, one week	5.00
Apr. 16. Rudolph Katz, salary	10.00
Apr. 16. Printing	16.00
Apr. 16. Janitor service, No. 266 Main Street	3.00
Apr. 16. Stationery, postals, and stamps	2.35
Apr. 16. Balance on Turn Hall	10.00
Apr. 16. Telephone call	.05
Apr. 16. Stationery	.50
Apr. 17. Stationery	7.55
Apr. 17. Date stamp	.30

2640 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mar. 28. Printing	\$1.00
Mar. 28. Stationery	.75
Mar. 28. Two ink bottles	.10
Mar. 28. Stationery	2.15
Mar. 28. Car fare	.30
Mar. 28. Rubber date stamp	.30
Mar. 28. First payment on furniture to independent union	125.00
Mar. 28. Jos. Titmas, expenses to Scranton, Pa.	10.00
Mar. 28. Stationery	.90
Mar. 30. Stationery	1.14
Mar. 30. Salary of secretary for one week from March 25	10.00
Mar. 30. Committee from Siff & Cohen, expenses to Summit, N. J.	1.92
Total expenses from Feb. 26 to Mar. 31	740.94

APRIL EXPENDITURES.

Apr. 1. Stationery	2.75
Apr. 2. Chairman of Ball Silk Co., for lost time	1.80
Apr. 2. H. Stur, for removal of furniture, No. 266 Main Street	1.25
Apr. 3. Office fixtures	.30
Apr. 3. Postal cards	.52
Apr. 4. Stationery	.25
Apr. 4. Hire of auditorium, Edison Street	25.00
Apr. 4. Printing	19.00
Apr. 4. B. Menkes, two weeks' salary, commencing Mar. 21	24.00
Apr. 5. Janitor service, 185 Main Street	2.50
Apr. 5. Two strike breakers from Elmira, N. Y.	1.75
Apr. 5. Rudolph Katz, salary	15.00
Apr. 6. Salary of secretary, one week, commencing Mar. 30	10.00
Apr. 8. Committee from Siff & Cohen, expenses	.75
Apr. 9. H. B. Katay, rent for No. 266 Main Street for month of April	40.00
Apr. 9. Paid fine for Shevelenco, arrested for distributing circulars	5.00
Apr. 9. Rent for No. 184 Main Street in advance for April, May, and June	112.50
Apr. 9. Hire of band for auditorium (mass meeting Apr. 9)	15.00
Apr. 9. Car fare for girls from Bayonne, N. J. (mass meeting)	10.00
Apr. 9. J. Friedman, for siphon for mass meeting Apr. 9	.15
Apr. 9. Stationery	.75
Apr. 9. Stationery	.30
Apr. 10. Telephone bill	5.00
Apr. 10. Gas and electric-light bill	21.30
Apr. 10. Postage stamps	1.00
Apr. 10. Wm. Foster, expenses for arranging hall meeting	.35
Apr. 12. B. Menkes, treasurer one week from Apr. 4 (salary)	12.00
Apr. 12. J. Titmas, lunch	.15
Apr. 12. Committee expenses to Passaic	.50
Apr. 12. J. Friedman, expenses to New York	4.00
Apr. 12. Music expenses, brass band, auditorium, Apr. 9	37.50
Apr. 12. H. Pachman, for arranging a number of meetings	12.15
Apr. 12. Postage, for calling shop chairman's meetings	1.00
Apr. 12. L. Lazer, for printing	20.00
Apr. 12. Harry Rubinstein, one week's salary, commencing Apr. 1	6.00
Apr. 12. Car fare	.30
Apr. 12. Office supplies	1.50
Apr. 12. J. Friedman, expenses to West Hoboken, N. J.	1.00
Apr. 15. Rudolph Katz, salary	15.00
Apr. 15. H. Rubinstein, one week's salary, commencing Apr. 7	6.00
Apr. 15. Angie Alpsi, janitor service, one week	5.00
Apr. 16. Rudolph Katz, salary	10.00
Apr. 16. Printing	16.00
Apr. 16. Janitor service, No. 266 Main Street	3.00
Apr. 16. Stationery, postals, and stamps	2.35
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GENERAL INDUSTRIAL RELATIONS AND CONDITIONS IN PHILADELPHIA.

(For exhibits under this subject, see pages 2717 to 2730)

COMMISSION ON INDUSTRIAL RELATIONS.

PHILADELPHIA, PA., Monday, June 22, 1914—10 a. m.

Present: Commissioner Weinstock (acting chairman), Commissioner Lennon, Commissioner O'Connell, and also Mr. E. H. Busiek, special counsel.

Acting Chairman WEINSTOCK. The commission will please come to order. Will you please call your first witness?

Mr. BUSIEK. Is the Hon. William Draper Lewis present?

(No response).

Mr. BUSIEK. I will call on Dr. Scott Nearing.

TESTIMONY OF DR. SCOTT NEARING.

Mr. BUSIEK. Doctor, for the purposes of the record, please state your name in full and your official position.

Dr. NEARING. Scott Nearing, instructor in economics of the University of Pennsylvania.

Mr. BUSIEK. You have written some works on economics?

Dr. NEARING. Yes, sir.

Mr. BUSIEK. And you have made a study throughout the United States of wage scales and of wage conditions and their relation to living conditions. I believe?

Dr. NEARING. Yes, sir.

Mr. BUSIEK. Now, Doctor, you may just make a general statement as to the results of your studies along this line with a view to enlightening the commission on your views as to the basis for determining a fair wage scale, in the first place; and, secondly, the relation of existing wage scales to the proper living of those who receive the wages. I might also add, Doctor, that so far as you have the statistical data, if you will just give that to the commission in the form that they can add those books to the commission's reference library, it will not be necessary for you to go into detail in the statistics.

Dr. NEARING. I understood I had about half an hour in which to make a statement, and I came prepared to make a statement of that character.

Mr. BUSIEK. All right; proceed.

Dr. NEARING. Gentlemen, the problem, looking at it as I do from the standpoint of the statistician, is a problem of finding out if possible how much it costs to live on, and whether the wage earners in the United States are earning enough to pay the necessary bills involved in buying that kind of a living.

The first question that we ask is how many pounds of food, how many articles of clothing, how many rooms—how much room space—how much insurance, and so on, and how many of the other necessities of life are required in order to maintain what we call a decent standard of living—that is, a standard of living which will keep people physically efficient, which will send the children to school until they are 14, and which will enable the whole family to live on a scale that will not bring it into disrepute in the community.

Now, there have been several studies made along these lines. They start out in this way: We take, for purposes of comparison, a family of five, which we regard as an average family—consisting of a man, his wife, and three children under 14—and we ask for that family of five how much food, clothing, housing, and other necessities of life they require in order to maintain a decent plane of living. The studies have worked out very uniformly.

For example, I have here some figures from the New York study made in 1909, in which, for families spending \$800 to \$900, two-fifths of the expenditures were for food, one-fifth for rent, one-sixth for clothing, and for fuel and light, car fare, insurance, health and sundries about one-fifth—a little more

than one-fifth. And that general relation exists throughout the working class, the city dweller who is earning less than \$1,000 a year and spending less than \$1,000 a year. The general relation is one-fifth for clothing, one-fifth for rent, two-fifths for food, and one-fifth for the other incidental items.

Now, what I propose to do this morning is to call your attention to two studies primarily that were made in the same time. I am calling your attention to these two studies in this town not because I believe there is anything worse in this town than another town, and not because I have anything against this town, but because this is the only town in the country where we have two parallel studies, one of standards of living and the other of wages—that is the town of Fall River.

The United States Investigation Committee investigating into the condition of women and child wage earners, made a study of the standards of living in Fall River. The Massachusetts Bureau of Statistics made a study of wages in the cotton industry of Massachusetts, and in Fall River four-fifths of the people employed in Fall River are employed in the cotton industry, and you have there two parallel studies, one the standards of living and the other of wages.

I would like to explain for a few minutes how the standard-of-living study is made. They started in in this way: They say that a man doing ordinary physical work requires 3,500 calories of energy per day; they must have so many heat units. The same as, for instance, with coal in an engine; you must have so many heat units, so you must have so many food units of energy to run the human body. For a man it is about 3,500 calories. For a woman it is eight-tenths as much. For a child of 15, nine-tenths as much. So on throughout the category you can find in Atwater's Bulletin, Agricultural and Farmers' Bulletin 112, a very careful analysis of those food values, the amount of food necessary to run a human body. We start with that as a scientific basis for study.

In the same way, they take rent and ask how many cubic feet of space are necessary in order to accommodate a man, a woman, or children. Therefore, by measuring the rooms you can determine for certain rooms how many people that will accommodate. In the same way they take clothing and work out the number of items of clothing which go to make up a decent standard of living. So with insurance, health items, and the other items.

Now, in Fall River, as they worked it out there, they determined that a family of a man, wife, and three children required an amount of food which would cost \$6 a week; clothing, \$2.63; rent, \$2.50; and fuel and light, \$3 cents.

I have shown the proportions here, two-fifths for food, one-fifth for clothing, one-fifth for rent, and a small amount for fuel and light, and in total, \$14.07 a week, of the total of \$14.07 a week which they assign to the family of five children—three children in Fall River. Of the total of \$14 a week they assign \$12 for rent, clothing, fuel and light, and food. In other words, \$12 of the \$14 necessary to maintain this standard of living in Fall River is assigned to the four simple necessities of life: Food, rent, clothing, and housing; those four simple necessities absorbs six-sevenths of the total amount that this study assigned to the Fall River man maintaining a family of five.

There is a very interesting volume, volume 16 of the Report on Women and Child Wage Earners in the United States, half of which is devoted to this Fall River study.

Commissioner O'CONNELL. Does that provide for any savings after the standard of living has been met?

Dr. NEARING. No savings whatever, except a small amount of \$5 a year for a person for insurance.

Commissioner O'CONNELL. No rainy-day fund?

Dr. NEARING. No rainy-day fund. As I say, for the four necessities of life, then we have recreation, education, books, newspapers, and the like, saving, insurance, and all of the other miscellanies; no furniture item here at all. All the other miscellaneous items must come out of that \$2 a week or \$104 a year.

If I had time I should like to be able to go into that standard a little and try to show you that it is not necessary—

Commissioner O'CONNELL (interrupting). Have you established a standard in accordance with citizenship?

Dr. NEARING. What do you mean?

Commissioner O'CONNELL. What do you consider a standard according to our American citizenship?

Dr. NEARING. Well, the way the thing has been worked out we say it takes about 23 to 26 cents per man per day on present prices in a city like Philadelphia to maintain decency.

Commissioner O'CONNELL. For food?

Dr. NEARING. For food. Now you figure that out in the terms of this study, and it comes to \$6 a week for a family—a man, wife, one child of 10, one of 6, and one of 4. It costs about \$6 a week. Now, their standard clothing worked out in this way. They take a family that is respectably clothed, and figure all the items, take all the items, allow for some making at home on the part of the women's clothing, and figure the cost of that clothing, and that comes to about \$2.50 a week. The same way for rent. They allow three rooms for a family of five as all right. Less than three rooms for a family of five they call congestion. More than one and one-half people to a room they call congestion.

Now, your question presupposes that we may start in and just put on paper a standard of living. I don't think that is possible unless we put it on this way: To ask how many things they need, and then how much will those things cost, and then do the wages permit them to buy those things. I think that is the series. It does not matter how much wages a man gets if he has to pay more for his living, that he gets in wages he is in hard shape.

Commissioner O'CONNELL. If he consumes it all in everyday life?

Dr. NEARING. Yes. The thing to start with is how much clothing and shelter the family needs, ask how much of those things they need, then work from that over to the cost of those things, and then over to the wages the man receives.

Acting Chairman WEINSTOCK. Does your rate of from 23 to 26 cents per day—

Dr. NEARING (interrupting). Per adult man per day.

Acting Chairman WEINSTOCK (continuing).—include meat diet?

Dr. NEARING. Includes meat diet. You will find in this volume 16 and in this study of Chapins on the Study of Living in New York, a very elaborate discussion there covering a considerable portion of the work. That is the main item, because it is the easiest thing to work out, and can be worked out in the chemical laboratory. You can't do that with clothing very well. With clothing you can not do it at all. But food constitutes two-fifths of the outlay, is the principal item of expenditure, and that is a thing that we can work out most readily and most scientifically.

Now, as I say, working on that kind of standard, from that kind of a basis, we assume in Fall River an expenditure of \$731 a year for a man, wife, and three children under 14. Seven hundred and thirty-one dollars a year.

Now, the next question, as I say, is, How many people get that much? We have the study of the Massachusetts Bureau of Statistics showing the wages of adult males in Fall River.

The wages of adult males in Fall River.

Now, as you gentlemen have probably been informed many times, the average wages means nothing, because the man who is getting \$3 a day does not pay the grocery bill for the man getting \$2. Each man pays his own wages for the things that he consumes. And therefore we state our wages as classified wages; so many receiving less than \$5 a week, so many receiving from \$5 to \$8 a week, and so on. And there you get not an average at all, but you get a classified scale showing the rate of wages for the entire group.

In Fall River in this particular year, and we allowed here 20 per cent for unemployment, deducted 20 per cent for unemployment because the Massachusetts Bureau of Statistics during that year reported that the cotton industry, the cotton plants, were unemployed 20 per cent of their time. After deducting 20 per cent for unemployment, multiplying the weekly wage scale by 52, and deducting 20 per cent for unemployment, we find that 16 per cent of the male wage earners, the adult male wage earners in Fall River get less than \$300 a year; that 59 per cent, three-fifths, get less than \$425 a year; that 91 per cent get less than \$650 a year; and that 3 per cent get over \$825 a year.

Now, apparently, therefore, if the standard-of-living study made by the Federal investigation into the conditions of the women and child wage earners—if that study is correct—nine-tenths of the adult male workers in Fall River get less than enough to maintain a decent standard of living for a family of a man, wife, and three children under 14.

That is a bald comparison of the wage scale with the standard of living.

Now, of course, it is perfectly true that a large number of those men are not married. We have no figures that show just how many. It is true that some of them have children who are at work. It is true that in many of the cases their wives are at work; and it is true that some of them have only one child, or perhaps two children, or less than three children. So that if we were to make a detailed study of Fall River we would have to allow for the variation of the number of children. We would have to allow for the age of the children—those at the working age; we would have to take cognizance of the fact that many of these men are not married.

But I simply want to make a bald statement that the wage scale of Fall River—that is, the wage scale in Fall River—that is, the wages paid by industry, by the cotton industry in this case, largely—that is, the wages paid by industry to men at work in industry—and that wage scale is of such a character that nine-tenths of the men who are working there do not receive enough wages to buy the decencies of life for a family of three children under 14 and a wife.

Now, I want to comment on that a little more a little later on.

I want to go on and call your attention to two or three other things in this same connection, because I would like you to see, or I would like you to feel that, as I feel, at the present time there is a serious discrepancy between the necessities of life and their cost, on the one hand, and the wages of adult males on the other; and the reason why the women with little children go into the mills to work, as they do in Fall River—the reason children go into the mills to work, as they do in Pennsylvania, for example, where we have some 35,000 of them—is, in some measure at least, found in the discrepancy which exists between a decent standard of living, on the one hand, and the wages which a man can earn, on the other. And remember, gentlemen, that the question as to whether these men are inebriate, whether they are lazy, whether they are shiftless, whether they are idlers, whether they are worthless does not enter. This is the wage scale that industry offers to the man, and if any one of us were to go and ask for employment in the cotton industry in Fall River to-day that is exactly the wage scale we would find, and we could either take it or leave it. If we liked it, we could stay and take it; if we did not like it, we could go somewhere else. But that is the situation as it exists; that is the situation that faces every man who goes there and asks for employment.

It seems to me we have spent too long figuring on whether the workmen were overpaid or underpaid because they got drunk or did not get drunk on Saturday night. That is not the issue here. The issue here is much larger. These economic questions are not determined by the question as to whether or not this man or that man does or does not get drunk. They are determined by very large economic forces that regulate wages and the labor market—economic forces which the individual man faces, and faces at his peril, and in these cases faces, I believe in large part—in a large proportion of the instances—disastrously.

I would like to call your attention to two or three of the other implications that the man in Fall River in the cotton industry is up against.

We have said to him for a long time, "My dear fellow, if you don't like the wages in the cotton industry go to the top; there is plenty of room at the top; go up where you will get a superintendent's or manager's salary, or become a proprietor yourself."

I would like to call your attention to the distribution of occupations in the cotton industry as prepared for Massachusetts. As reported by the United States census, there are 43 proprietors and firm members; 750 salaried officers, superintendents, and managers; 979 clerks; and 108,814 wage earners. In other words, the proportion between proprietors and firm members and wage earners is 1 to 2,765. So that what the man there in Fall River faces in the cotton industry is this situation: He has a definite relation established on the one hand between decent living and wages, and on the other hand industry is so organized that it requires 43 proprietors and firm members, 750 managers and superintendents for 108,000 wage earners and no more; and if perchance there are among those wage earners men of great ability they can go into some other industry or into the professions to get a job somewhere else, but they can not rise in the cotton industry, because the relation between the number of men at the top and the number of men down below in modern industry is absolutely fixed by industrial organization, by systems of industrial organization and industrial management. We don't want many men at the top; we do want

many men down below. And therefore these men going in and living and working under that wage scale face a situation where the chances are overwhelming—mathematically overwhelming—that they will never be anything else except wage earners.

I have noticed that you have been paying a great deal of attention to the question of unemployment in New York. I shall not call your attention to that fact further than to emphasize this point:

Here was a Fall River family that had an average wage of \$14.03 a week. That is a very comfortable wage, and I know of no better illustration of the ridiculousness of averages to represent real human conditions than this case here.

There was an average of \$14 a week, a very comfortable wage. The first week this family got \$19, the second week they got nothing, the third week they got \$22, and the fourth week they got nothing. And if you follow that black line across there, and this is one of several family incomes that are given in this Federal study, if you will follow that black line across the chart, you will get some idea of the thing that a man is up against when he is working, not when he wants to work but when there is work, and understand, I do not say that the owner is responsible. He is no more responsible than the individual worker; but I do say that when the individual worker comes to pay his bills from week to week, if he is working piecework or daywork or hour work or day work, he has no conception from one week's end to the next where his next week's salary will come from, or what his next week's salary is going to be. If there is work he may make \$20 a week; if there is not work he won't make anything. And so I say that question of unemployment figures in there also very largely.

There is just one other implication that I want to call your attention to in that general situation, and that is the relation between wages, earnings, and the cost of living.

I have a chart here which gives you in this black line the earnings in the cotton mills industry of Fall River. That earnings is derived by dividing the number of people employed in the cotton industry into the total amount paid in the cotton industry—in other words, the amount paid out in the industry. This other line is taken from the United States bulletins on retail prices—primarily retail prices of food. What we find in the case of Fall River is that up until 1907 wages or earnings continued to rise gradually. Up until 1905 prices continued at about the same ratio. You notice they vary from year to year, but generally the two lines are parallel. Since that time earnings have gone this way [indicating], and prices have gone that way [indicating]. The last figures I have on this chart are figures for 1912. No later figures are at the present time available.

But the thing to which I wish to call your attention is the fact that not only is this wage earner in Fall River up against the wage scale fixed for him, not only does he face a situation where there is no room at the top, either mathematically or in an actual sense; not only does he face unemployment from week to week or month to month, the variation in his wage depends upon the orders received by his industry. Not only is that true but during the past 23 years—and this starts in 1890 and goes on to the present time—during the past 23 years the wage earner has faced during the early period of that time wages and prices practically parallel—prices raising as fast as the wages; and during the last seven or eight years of that time earnings have actually been decreasing while prices were rising.

Acting Chairman WENSTOCK. You mean earnings—not wages?

Dr. NEARING. Yes; I say earnings. The wages depend upon the wage scale of so much per week, but the earnings represent the amount actually paid out by the industry.

Now, there is one other thing to which I would like to call your attention; one other factor, which among other factors we will have to consider in the very near future, and consider most seriously; that is, the question of the total income derived in the cotton industry in Massachusetts.

During the last census year the cotton industry in Massachusetts added to the raw cotton \$81,000,000 in value. That is, the processes of manufacture, the thing the census calls the value added by manufacture—the processes of manufacture added \$81,000,000 to the value of the raw materials. The salaries of officials in the cotton industries amounted to \$2,500,000; the salaries of clerks to \$800,000; the wages paid to wage earners amounted to \$45,000,000—that is, a little less than \$50,000,000. There are \$31,000,000 remaining. Now, a part

of that goes for the replacement of machinery—depreciation and replacement of machinery; a very small part of it. A very small part of it goes for insurance and other similar charges. A very considerable portion of it goes for the payment of rent, interest, and dividends.

If I may trespass for a moment on the logic of the argument, I should like to state to you the only good case that we have; that is, the case of the railroads where every year they pay \$1,200,000,000 in wages and salaries, and between \$700,000,000 and \$800,000,000 in interest and dividends. In other words, where they pay out \$12 to the people who do the work on the railroads they pay out \$7 to \$8 to the people who have invested their money in the railroads.

I can not speak for the cotton industry, because we have no figures at all showing what proportion of that \$31,000,000 the workers do not get goes in rent, interest, and dividends; but of this we can speak, that of the \$81,000,000 created in that industry the people who do the work, including the managers and superintendents and clerks and wage earners, the people who do the work get only about five-eighths, and the other \$30,000,000 went somewhere else.

Once before, up in Massachusetts, I said some of these same things, and the Chamber of Commerce of Fall River and some other people up there were very hot about it and did not like it at all. As I said to you in the beginning, I have nothing against Fall River. I know nothing about the town personally. I only know that these are the only figures we have that represent both sides of the discussion—the wages on the one hand and the standard of living on the other.

Now, I should like to call your attention to two facts—and my time does not permit me to go into any more detail. In the first place, the wage study—we have the study at Lawrence, made after the great Lawrence strike, the study which the New York Bureau of Labor and Wages had made at Little Falls after the Little Falls strike; and the study which the New Jersey Bureau of Wages—which is one of the best studies of wage statistics published in the United States; the United States Bureau of Labor statistics and its figures—all of those figures relating to the textile industry leads me to believe that the situation in Fall River is not a particle different from the situation in the Mohawk Valley or the situation in any of the northeastern textile towns of the United States; and I believe that Fall River is not only not unique, I believe that Fall River is fairly representative. I believe that the wages paid in Fall River are approximately the same as the wages paid in other similar textile towns.

Commissioner O'CONNELL. How would you compare the textile industries and other industries?

Dr. NEARING. I was coming to that. May I finish this first, please?

Commissioner O'CONNELL. Yes.

Dr. NEARING. I believe that the standard of living fixed for Fall River, as far as we can judge from the study made in Chicago, from the study made in Buffalo, from the study made in New York, from the study made in Washington, and a number of incidental private studies—so far as we can judge that standard fixed for Fall River is certainly not high, and is, if anything, low as compared with the other standards.

It was \$1,000 for Pittsburgh, \$900 for New York, \$800 for Buffalo, \$780 for Chicago, and so on. With the exception of Georgia and South Carolina mill towns, where it dropped to \$600, with the exception of standard of living studies all through this northeastern section of the United States, it indicates that a family of three children, man, and wife requires from \$750 to \$1,000 to live in what we call decency in a fair sense of life.

The wage industries indicate that, as far as the textile industry is concerned, the situation I have described in Fall River is a fair representative.

As regards the other industries, I think we can say this in general—and I am basing this general statement on the United States investigation into the iron and steel industry, which covered 172,000 employees, on their investigation into the South Bethlehem Steel Works after the strike of 1910, on the California, Kansas, New Jersey, and Massachusetts Bureau of Labor statistics reports, and on the various minor investigations that have been made after strikes, and incidentally by private individuals. I believe that half of the adult male wage earners in the United States get less than \$500 a year, I believe that three-quarters get less than \$750 a year, and I believe that nine-tenths get less than \$1,000 a year.

I have just completed this winter a careful survey of all of the wage literature that has been published, and a wage earner who gets \$1,500 a year is a unique, extraordinary exception. We have them. We have them in the railroad industry. For example, engineers and conductors, some of them. We have them in a few of the other industries, where great skill or great union power has put them in a dominant position; but the wage earner who gets \$1,500 a year is unique.

In California the wage scale is probably 15 to 20 per cent higher than in the East; but here in the East it is almost unusual to find wage earners getting more than \$1,200 a year. Nine-tenths, where we have statistics, get less than \$1,000. I ought to say if you take an industry like the building trades, where you have had powerful unions working for years, that the wages are higher. An industry like the telephone—there was a careful investigation made by the Federal Government in 1910, and it was found that four-fifths of the men only get less than \$1,000 a year. If you picked out certain exceptional instances, you would find higher rates than I have indicated; but take the industries as a whole—by that I mean three or four industries—the railroad industry—industries where great masses of unskilled labor are employed—take them as a whole, and I believe that the \$1,200 rate, as I say, is unique; the \$1,500 man is unique; nine-tenths, at least, get less than \$1,000.

Commissioner O'CONNELL. What would you consider the minimum income should be in keeping with your idea of the standard of living?

Dr. NEARING. Well, if you gentlemen could fix it, I should say that you ought to do something to make an adjustment between what a man needs and what he gets.

Commissioner O'CONNELL. Suppose we could fix it; take it for granted that we could.

Dr. NEARING. I would like to show you one other chart that I have here, which I think is one of the most significant things that was ever worked out. This is from the United States Bureau of Labor investigation in 1903. They took 11,000 families and measured their incomes in proportion to the number of children in the family. What they found was that families with five children had no larger incomes than the families with no children. On taking those 11,156 families in 33 States of the Union they showed that where there were no children in the family the amount of income per person was \$316. One child, it decreases it to \$212; two children, three children, four children, and when you get down to families with five children you will find that there is \$94.97 per individual. In other words, the more children a man has—let me put it in terms of the New York Association for Improving the Condition of the Poor. They say that every child after the second child is an economic calamity. This very clearly indicates the truth of their assertion that the more children a man has the less he has to go round.

When a man goes to get a job he is not asked how many children he has, whether he is trying to contribute to the future citizenship of the union 1, 2, 3 souls, or 5 or 10. He is asked, "What do you do?" And is told, "We are paying \$2 a day for that; there is a single man who will do it for \$2, and if you don't want to do it for that go somewhere else; we have no time for you." If you gentlemen could fix the wages, I should say the very first thing to do was to make some relation between the income the family has and their needs, and their needs are determined largely by the number of members in the family.

Commissioner O'CONNELL. Raising children is not profitable?

Dr. NEARING. What?

Commissioner O'CONNELL. Raising children is not profitable?

Dr. NEARING. In a modern industrial city it is a decided economic liability. On the farm it used to be an asset.

Commissioner O'CONNELL. You do not agree with Roosevelt on his race problem?

Dr. NEARING. I do not.

Commissioner O'CONNELL. Doctor, not desiring to cut you off—

Dr. NEARING. May I answer your question?

Commissioner O'CONNELL. Go ahead.

Dr. NEARING. It seems to me that if our studies have shown us anything they have shown us that we can determine the amount of food, certainly, the amount of rent, certainly, and probably the amount of clothing and the other items that we need. We ought to start with that. No matter how much they

cost, that does not make any difference. If you are going to bring up children, you have got to have healthy bodies. If you are going to bring up children, you must have a decent place to live and sleep. You can measure those things scientifically. Then, it seems to me, fixing the standard of living is merely the estimation of the decent cost of living.

Commissioner O'CONNELL. Plus what you are going to lay aside?

Dr. NEARING. Yes, sir; if you are going to allow anything for saving; or if you are going to allow anything for insurance, add it on. But it seems to me we have to have those decencies to live, without which you can not get along.

In our Northeastern States we have studies made from Chicago to New York and through this whole section. The cost is from \$750 to \$1,000, varying with the size of the town, and varying somewhat with the section and with the industry. For instance, it has been fixed at \$1,000 in Pittsburgh. That stands, if those studies are correct, as the most expensive city in this part of the country in which one can live.

Commissioner O'CONNELL. This commission is charged by Congress with a duty of ascertaining the underlying causes of industrial unrest.

Dr. NEARING. Yes, sir.

Commissioner O'CONNELL. And to report to Congress some remedy. If you were a member of this commission, what is in your mind as the real cause of industrial unrest in this country? Have you given the matter some thought?

Dr. NEARING. Yes, sir. I don't think that there is any cause of the industrial unrest. I think there are causes. I don't think that you can find any one cause to which you can assign the industrial unrest.

Commissioner O'CONNELL. Well, briefly?

Dr. NEARING. I do not see the problem as a unit problem, one that you can solve. I do not see the cause as something that you can solve in that way. It seems to me that you have got a lot of different forces operating.

Commissioner O'CONNELL. My way of putting the question may have been unfortunate. I did not have any one thing in mind.

Dr. NEARING. If I confine my answer to economics, I hope you will understand that that is not the only one.

Commissioner O'CONNELL. You do not claim to have a patent on it?

Dr. NEARING. No, sir; there are social causes that are just as active and just as forceful as economic.

Commissioner LENNON. Schoolhouses have had something to do with it, haven't they?

Dr. NEARING. You mean education?

Commissioner LENNON. Yes.

Dr. NEARING. I imagine so. I should say that economics, the real cause, the fundamental cause of the industrial unrest, is our lack of adjustment in our property relations. Now, if we were all in a community, and all have work, and no one of us were getting more than 50 cents a day, there would not be any particular unrest, but if we are all in a community, and all have work and all get 50 cents a day except one man and he is getting \$5, the rest of us are going to wonder why and ask about it.

As I see it, what we are doing at the present time is to make it possible for a situation to develop in which the people who do the work of the country—by that I mean the people who dig in the ground and forge the steel rails, and do the other things, the people who do the work of the country in at least four-fifths of the cases, get no more than a bare living, and the people who do not do any work at all, do nothing except hold mortgages, title deeds, stocks and bonds, and the like, live luxuriously, spend extravagantly, and flout their wealth in the eyes, in the faces, of the rest of the crowd.

There has never been a time in the history of civilization when we had as effective a machine as we have now for enabling some people to live off the labor of others.

You go out and work for 300 days on a railroad to get \$500. I own a piece of land on Market Street; never did a thing, and I get \$500, and I keep on getting \$500 as long as I own the land. You get \$500 as long as you work for it. My father may have given me the title deed, but I get \$500 just the same.

I think the fundamental trouble we are facing at the present time lies in our property relations. We have worked out a property system that enables a few to live at the expense of the very many. We have a very many doing the work, and the very few enjoying the fruits of the work.

Acting Chairman WEINSTOCK. Have you made a comparative study of the conditions in this country and in other countries?

Dr. NEARING. I have not.

Acting Chairman WEINSTOCK. You are unable to say whether the conditions in this country are better or worse than they are in other countries?

Dr. NEARING. I can only refer you to a report of the British Board of Trade. They made a very careful study here, in Belgium, Germany, and France. They rather favor the condition of the German workers as against the workers of the other countries. They report that the American workman is better off than the English workman, however.

Acting Chairman WEINSTOCK. Aside from this brief period you pointed out on your map, when the prices and wages were parallel, has there been any previous time in the history of the American industries where the conditions were better than now?

Dr. NEARING. What do you mean by better?

Acting Chairman WEINSTOCK. Well, where the purchasing power of the wage brought more comforts to the worker than they do to-day?

Dr. NEARING. If you go back of the eighteenth century, and the records are very incomplete, if you go back of the eighteenth century, you will find the man who was digging ditches lived on much less than the man who is digging ditches to-day. He had a poorer house and a poorer diet.

If you go back of the nineteenth century, I am not sure, if you go back to 1880 and 1890, I say quite positively that we had a larger proportion of what we would call the submerged, economically, than we had then.

Acting Chairman WEINSTOCK. That is, that we would have now?

Dr. NEARING. Have now.

Acting Chairman WEINSTOCK. A larger proportion?

Dr. NEARING. A larger proportion than 30 years ago.

Acting Chairman WEINSTOCK. When you say now, do you mean this temporarily depressed period?

Dr. NEARING. No, sir.

Acting Chairman WEINSTOCK. Normal conditions?

Dr. NEARING. No reference to that whatever.

Acting Chairman WEINSTOCK. You mean that, under normal conditions now, the conditions are not as favorable to the worker as they were in 1890?

Dr. NEARING. I am not speaking of agriculture.

Acting Chairman WEINSTOCK. Yes.

Dr. NEARING. Only of industry.

Acting Chairman WEINSTOCK. Yes.

Dr. NEARING. I believe the changes which have been wrought in the last 40 years are portentous in two respects. In the first place, we have organized industry in such a way that there is no longer room at the top. We have organized industry in such a way that you need enormous masses at the bottom of unskilled for very few men in control. For instance, the railroad industry, there you have one general officer for 300 employees. That is the most highly organized industry in the country. We have practically cut off a man's opportunity for raising. He is born a wage earner and has to stay a wage earner. We have developed a system of mechanics where we have a machine to do the work and a man to watch the machine, and more and more we are bringing the people who watch the machines, and more and more we are getting out of skilled craft trades.

Of course, the employer says, "Well, those fellows are only worth \$1.50 to watch machines." That may be, but we are calling on a larger and larger number of people who do nothing but watch machines.

Acting Chairman WEINSTOCK. There have been witnesses before this commission at various hearings who made the statements that the average wage of the unskilled worker to-day is higher than the average wage of the skilled worker in the past. Is that correct, as the result of your investigations?

Dr. NEARING. I should always, on general principles, refuse to talk about average wages, because I don't think they mean anything.

Commissioner O'CONNELL. They are impossible?

Dr. NEARING. They are mathematical abstractions.

Acting Chairman WEINSTOCK. Let us call it earnings.

Dr. NEARING. If you speak of the average, it is all right. What periods were you intending to compare?

Acting Chairman WEINSTOCK. That the average earnings of the unskilled workers to-day, it is claimed, are higher than the average earnings of the skilled worker, say, of 30 or 40 years ago.

Dr. NEARING. I should say that is absolutely incorrect. If you said 140 years ago you might be right, but the purchasing power of money then was immensely different from now. There are no records that go back of 1890 that are worth anything. You can not go back of 1890 and talk authoritatively.

Acting Chairman WEINSTOCK. If this situation goes on as it is now, what forecast would you make for the condition of the worker 30 or 40 years hence?

Dr. NEARING. You mean if he stands for it?

Acting Chairman WEINSTOCK. Yes.

Dr. NEARING. I would like to interpolate something there into my answer. I might have said one other thing.

I said we had done portentous things. We have done really three. We have incorporated everything; we have bonded and stocked everything; it used to be that a man went into a business and he put his life into it, and when he was through his son took it. If his son was a fool, it went to the wall. If he was intelligent the business continued. At the present time he incorporates it. If his son is a fool he puts his bonds and stocks into the hands of trustees, and the business goes right on.

We have incorporations of our financial institutions, industries, and everything, and all the time we are having a larger amount of capital per employee. Therefore, the industry is rising rather than falling. There is an upward tendency in industry. Therefore, what we are doing in industry is to create a situation where more and more dollars are diverted from industry to pay the owners of stocks and bonds. I should say that at the present time it is a thing, if the conditions prevailing at the present time go on for 40 years more, I should say that we would have 50 per cent of the products of industry, of the net products of industry—I have that wrong. That as much of the net products of industry would go to pay interest and dividends as go to pay wages and salaries. At the present time, taking the industries by and large, most of them, or the public utilities, because there we have to get statistics—taking the industries by and large, for every 60 cents in wages and salaries, 40 cents is paid in interest and dividends. In half a century, if the tendency goes on, that would be 55. They would go on increasing progressively.

I do not believe it will, but, answering your question definitely, I would say they would go on increasing progressively.

Acting Chairman WEINSTOCK. Here is another question, Doctor, that you may be able to throw some light on.

The statement has been made that four-fifths of the workers in the industrial undertakings of the country get nothing but a bare living.

Dr. NEARING. Yes, sir.

Acting Chairman WEINSTOCK. On the other hand, it is pointed out that the savings banks of the country are the poor man's banks, that very few capitalists leave their money with savings banks, and that never before in the history of this country were the savings banks so gorged with savings as they are today. If four-fifths of the workers, if it is true that four-fifths of the workers earn a bare living, how are those vast accumulations in the savings banks accounted for?

Dr. NEARING. I should say that the premise is probably wrong. I should say that the savings banks are not gorged with the earnings of the wage earners. I think they are gorged with the earnings of the middle classes. This is true, that there are wage earners who put their children to work at 14, and live on a nonprotein diet, and live, a whole family, in one room, who put their money in the savings banks; that is true. But I should say that is a very temporary situation, induced by the fact that those people are coming over from a country where they are used to a one-room standard of living, and have not adjusted themselves to the American standard. I can not see how, where six-sevenths of the expenditure goes for food, rent, fuel and light, and clothing, I can not see how you are going to gorge many savings banks on that basis.

Acting Chairman WEINSTOCK. Your explanation, then, is that the accumulations in the banks do not represent the savings of the wage earners, pure and simple.

Dr. NEARING. That is my guess. There is no way of telling.

Acting Chairman WEINSTOCK. It has never been investigated and analyzed?

Dr. NEARING. No, sir.

Acting Chairman WEINSTOCK. Would that be a study worth while?

Dr. NEARING. I don't see what difference that makes. Of course, if you go right back to the ethics of the thing the most important—I start my economics on this proposition, that every man is entitled to what he earns, and no

more and no less. The corollary of that is that no man is entitled to anything which he does not earn. I define earn as rendering a service for. I earn that for which I render a personal service.

Acting Chairman WEINSTOCK. Yes.

Commissioner O'CONNELL. Do the professions have the same standard, in your opinion, as any other?

Dr. NEARING. I earn if I do anything for which society is willing to pay. For instance, if society wants to go to the movies, the actor earns that which he renders, the service which he renders to society. A service rendered to society in any form which society will accept. If I am a poet and society will not accept my poems, I do not earn it.

Commissioner O'CONNELL. There might be a reason for that.

Dr. NEARING. Very likely. I say that economically, every man is entitled to all that he earns, and that is the fundamentally basic principle of economics, the relation between earnings, what the man gives, which he gets and the effort that he expends. Now, that is, as I say, ethics. If I had my way about it, I would start somewhere about there. I would not bother with savings banks investigations; I would go farther back. If you can not go that far back, it seems to me at least you can go far enough back to say that the latent forms of monopoly and special privilege which, at the present time are enriching the small proportion of the community, shall be cut off absolutely. That would stop all unearned income, it will stop the most latent forms of it.

Acting Chairman WEINSTOCK. If you will pardon a personal question, may I ask, are you a Socialist?

Dr. NEARING. I am not. That is, I mean, I do not carry a red card, and have not joined the party.

Acting Chairman WEINSTOCK. Are you a believer in the doctrines preached by Socialists?

Dr. NEARING. What are the doctrines preached by Socialists?

Acting Chairman WEINSTOCK. I can tell you that very briefly, Doctor. As I understand it, it is that there shall be but one employer, and that employer shall be all the people, and that rent, interest, and profit shall be wiped out. That, in brief, is the Socialist doctrine.

Dr. NEARING. I believe that all forms of income for which one does not render personal service, namely, rent, interest, and profits, are unethical and antisocial.

Acting Chairman WEINSTOCK. To that degree, then you believe---

Dr. NEARING (interrupting). To that degree you may class me as a Socialist.

Acting Chairman WEINSTOCK. And are you also a believer in the doctrine that there should be only one employer, and that that employer should be all the people?

Dr. NEARING. No. I should say--now you are getting out of the realm of economics, and I can not qualify as an expert there. My own feeling in the matter is that that government governs best which governs least. I quite agree with Jefferson in that respect. On the other hand, I believe we must have as much government as will safeguard the interests of a majority of the people, the people at large. If that necessitates the digging of the Panama Canal or the building of an Alaskan railway or the taking over of the Colorado Fuel & Iron Co's property, then I should say that that was the thing to do. I rather resent general principles unless each general principle can be examined out and applied in each individual case. I do not like general principles which apply automatically to everything that comes up.

Acting Chairman WEINSTOCK. I see.

Commissioner O'CONNELL. You think there ought to be different medicines for different diseases?

Dr. NEARING. Yes, sir.

Commissioner O'CONNELL. And that the science of physics should work that way?

Dr. NEARING. I don't think the science of physics is working toward one disease or one medicine, but working the other way; and I believe the science of economics is working out the same way.

Acting Chairman WEINSTOCK. Then let me say, to see if I correctly understand you, you do not object to what many call paternalism?

Dr. NEARING. If the paternalism is paternalism and not democracy, I do object. If the paternalism is the paternalism of a despot or an autocrat or a dictator, then it is the paternalism of the Pater and not democracy. But if the people want ditches in the Northwest and they go ahead and dig them, that is not paternalism; that is simply social democracy.

Acting Chairman WEINSTOCK. Now, as to the "selling out." What tangible, practical suggestions have you to give this commission to guide it in its conclusions and findings?

Dr. NEARING. I should say, as an economist, beginning with my proposition that every man is entitled to what he earns, we ought therefore to try to do away with the unearned incomes. I should say that the most tangible and immediate thing to do would be to tax the most blatant forms of unearned income; that is, the unearned income from land. There is no sense in which land ownership is not a monopoly proper.

Acting Chairman WEINSTOCK. That means single tax, then, does it not?

Dr. NEARING. No; single tax means the abolition of other taxes, save one tax—a land tax. I should impose it in addition to the other tax; that is, I mean I am indifferent as to the other taxes. I am interested in the abolition of unearned incomes and am therefore in favor of beginning with the land tax.

Acting Chairman WEINSTOCK. Your doctrine, then, is land tax plus?

Dr. NEARING. Well, I should say, to start with, the most obvious thing among the natural resources; but land includes all natural resources, and I should say the most obvious thing is to start with the natural resources and try to absorb for the public the natural-resource values. If I may just call your attention to a contrast which seems to me to be the most significant at the present time—the land in Greater New York, irrespective of the buildings, is valued at about \$5,000,000,000—five thousand million dollars; the buildings at about \$3,000,000,000.

Now, that means that the people of the United States have got to pay rent potentially or actually on that \$5,000,000,000 for that land. New York Harbor is valued at nothing. We have blown it out and dredged it out and built it up and improved it. It didn't need much improving, but we have improved it, and we have charged nothing for it. It is a social asset. I support if Mammon & Co. had the fee simple on New York Harbor they could exact an income of \$5,000,000,000 a year out of it.

Acting Chairman WEINSTOCK. Five million dollars?

Dr. NEARING. Five billion dollars. That may be too immense, but we must remember that it is one of the best harbors on the east coast; but now the public owns it and we therefore get our harbor privileges there free of cost, except for the small cost of maintaining the channel and lights. Now, take New York Harbor on the one hand and Greater New York City on the other. New York Harbor is free, except for the mere cost of supervision, and on the other hand, is New York City, with its five thousand million dollars of land value. It seems to me that there you get a very keen contrast of what we are up against when we accept the present property doctrines and follow them out to their logical conclusion, which are, let every fellow get all that he can from what he has. If he can double his rent, he doubles it. If he can treble it, he trebles it. Then he capitalizes that rent value and sells the land for whatever it will bring; and if we continue that we will continue this present land value increase, which makes cities like New York and some of the other areas like the north central farm lands, a tremendous burden that the whole people must carry in prices.

Acting Chairman WEINSTOCK. Your first suggestion, then, would be that this commission recommend to Congress that Congress use its influence, or legislate, so far as it has power to legislate, to increase the tax on land so as to minimize land speculation?

Dr. NEARING. To be for social uses—no, not minimize land speculation, but to take for social use those values which arise out of the land.

Acting Chairman WEINSTOCK. Now, what further suggestions would you make?

Dr. NEARING. Well, I think the next thing in order is to go after the rest of the special privileges.

Acting Chairman WEINSTOCK. And how would you do that? By public ownership of public utilities?

Dr. NEARING. I think probably that is the only way out, as I see that problem. If what we want is cost prices; if what we want is prices based upon the cost of production and a fair profit; if we can get that through Government regulation, well and good. If we can not get it through Government regulation, then we will have to try public ownership or Government ownership.

Commissioner LENNON, Professor, may I ask this question: Does the payment, or receipt rather, of less than the living wage by such a large number of wage workers threaten the stability of our civilization?

Dr. NEARING. I believe that the most insidious force that has ever operated in a civilization is the force which makes some people the exploiters of others. If you went back to colonial times, when all our forefathers who happened to be here at that time had to get right down and dig for 365 days in the year in order to live, and where they all lived probably below what we now call decent living, I should say that was the very foundation of a great civilization, because they were all jumping in and working. But when you have reached a situation when the workers have to work that way and not get a good living, while some of the rest of the crowd go to California or Switzerland, then I should say you have the worst single force operating against the development of civilization; that is, the force which permits some to exploit others.

Commissioner LENNON. From the study of wages, while there is manifested an increase in the wages received, isn't it a fact that the people came nearer the standard of living 100 years ago or 50 years or 75 years, or perhaps two or three hundred years ago, than they do now, even with greater wages?

Dr. NEARING. I should say the only answer you could make relates to the period since 1890, and during that period it appears to be unquestionably true that we have had a decrease in purchasing power. Now, I ought to make this explanation, that during that period what has happened is that certain labor groups, like the railroad brotherhoods and the building trades, where you have had powerful and effective labor organizations, they have increased their earnings faster than wages generally have increased. That is, as compared with certain other groups. You can find a contrast in the railroads between the wages paid for common labor on the one hand and those paid to engineers, firemen, and trainmen on the other. You will find that common labor on the railroads has remained fairly stationary, while the wages of the firemen, engineers, and trainmen—

Commissioner LENNON (interrupting). What are the facts as regards the profession of teaching generally, in and out of the colleges?

Dr. NEARING. Prof. Brooks made a study of that last year, which was published by the National Educational Association, and he showed very clearly that since 1890 the salaries of teachers have risen little, if at all, whereas the cost of living has risen 50 or 60 per cent.

Commissioner LENNON. The conclusion that the study shows in Fall River—have you made sufficient observation or study to warrant the conclusion as to whether that applies in the iron and steel industry, the clothing industry, the butcher workmen, the bakers, and a number of those very large—

Dr. NEARING (interrupting). Well, I have here on my desk a study just completed in the Chicago stockyards—

Commissioner LENNON (interrupting). Yes; I have it, too.

Dr. NEARING (continuing). Which indicates that the situation is somewhat the same there. The Pittsburgh survey in Pittsburgh indicated that the situation was about the same there. I have not yet seen the reports of the New York Factory Investigation Commission on the clothing industry in New York.

Commissioner LENNON. What have you to say, if you desire to say anything, regarding the effect of the immigration of the last 20 years on this city?

Dr. NEARING. Well, I can say nothing except what I read in the reports of the Immigration Commission, and I gather from them that it has been economically disastrous.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. That is all, Doctor. We thank you very much.

TESTIMONY OF DR. WILLIAM DRAPER LEWIS.

Mr. BUSIEK. Doctor, please, your full name, for the purposes of the record.

Dr. LEWIS. Dr. William Draper Lewis.

Mr. BUSIEK. And until recently, I believe, Doctor, you were dean of the Pennsylvania Law School, and you are now in public life—candidate for governor?

Dr. LEWIS. No; I am not in public life yet.

Mr. BUSIEK. Hope to be?

Dr. LEWIS. Yes; I am professor of law in the University of Pennsylvania at the present time.

Mr. BUSIEK. As a professor of law and a student of law and a student of public questions, have you made a study of the attitudes of courts in labor questions and the law in relation to labor disputes?

Dr. NEARING. I believe that the most insidious force that has ever operated in a civilization is the force which makes some people the exploiters of others. If you went back to colonial times, when all our forefathers who happened to be here at that time had to get right down and dig for 365 days in the year in order to live, and where they all lived probably below what we now call decent living, I should say that was the very foundation of a great civilization, because they were all jumping in and working. But when you have reached a situation when the workers have to work that way and not get a good living, while some of the rest of the crowd go to California or Switzerland, then I should say you have the worst single force operating against the development of civilization; that is, the force which permits some to exploit others.

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Commissioner LENNON (interrupting). What are the facts as regards the profession of teaching generally, in and out of the colleges?

Dr. NEARING. Prof. Brooks made a study of that last year, which was published by the National Educational Association, and he showed very clearly that since 1890 the salaries of teachers have risen little, if at all, whereas the cost of living has risen 50 or 60 per cent.

Commissioner LENNON. The conclusion that the study shows in Fall River—have you made sufficient observation or study to warrant the conclusion as to whether that applies in the iron and steel industry, the clothing industry, the butcher workmen, the bakers, and a number of those very large—

Dr. NEARING (interrupting). Well, I have here on my desk a study just completed in the Chicago stockyards—

Commissioner LENNON (interrupting). Yes; I have it, too.

Dr. NEARING (continuing). Which indicates that the situation is somewhat the same there. The Pittsburgh survey in Pittsburgh indicated that the situation was about the same there. I have not yet seen the reports of the New York Factory Investigation Commission on the clothing industry in New York.

Commissioner LENNON. What have you to say, if you desire to say anything, regarding the effect of the immigration of the last 20 years on this city?

Dr. NEARING. Well, I can say nothing except what I read in the reports of the Immigration Commission, and I gather from them that it has been economically disastrous.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. That is all, Doctor. We thank you very much.

TESTIMONY OF DR. WILLIAM DRAPER LEWIS.

Mr. BUSIEK. Doctor, please, your full name, for the purposes of the record.

Dr. LEWIS. Dr. William Draper Lewis.

Mr. BUSIEK. And until recently, I believe, Doctor, you were dean of the Pennsylvania Law School, and you are now in public life—candidate for governor?

Dr. LEWIS. No; I am not in public life yet.

Mr. BUSIEK. Hope to be?

Dr. LEWIS. Yes; I am professor of law in the University of Pennsylvania at the present time.

Mr. BUSIEK. As a professor of law and a student of law and a student of public questions, have you made a study of the attitudes of courts in labor questions and the law in relation to labor disputes?

Dr. LEWIS. Applying, and applying with conflicting results in that situation. Now, the courts when confronted with such a problem as presented by the strikes have, from the very limitation of their organization and the inherent nature of judicial machinery, they have got to lay down a general principle. They have got at least in the first instance to say all strikes are legal or all strikes are illegal. They can not take a half-way position. And while, originally, some of the courts influenced by certain statutes which I need not go into, of England, and certain decisions of the earlier courts of that country, held that a labor organization was itself an illegal thing, because it was a combination to enhance prices, and that a strike was illegal because it was a combination to injure another man and force him to do something that he did not want to do, to-day we have practically taken the position that the strike is in every instance legal. It is legal when done in a purely arbitrary way. A number of laborers, for instance, may refuse arbitration. They may be, perhaps, under the existing conditions, unreasonable in their demands. They may take the employer unawares when he has contracts on his hands that he has to fulfill. In other words, they can squeeze him by the strike if they wish to, and yet the courts are in the situation where they are practically obliged to take the position that "We can not go too much into the motives of things. We have got either to decide that a strike is legal or illegal," and I think you will agree with me that they have wisely determined in that case that the strike is legal.

Now, the other controversy that is now a live controversy before the courts is what has been recently called, or used to be called, the boycott, which has been more recently called the secondary boycott. It is a group of men going to a manufacturer and saying to him, "We won't deal with you if you deal with somebody else." It is a labor organization, for instance, sending word to retailers in a particular line, "If you carry the goods of a particular manufacturer, our members will regard you as unfair; we will not deal with you not only for the goods of the prescribed manufacturer, but for any goods which you carry." Now, that is the secondary boycott.

Commissioner O'CONNELL. How about the individual?

Dr. LEWIS. What is that?

Commissioner O'CONNELL. How about the individual who does it, not the organization, but I say the individual?

Dr. LEWIS. How about the individual? That has not come before the courts, and won't until the individual is such a powerful individual that the fact of his doing it produces the result. In other words, my mere saying to you that I won't deal with you if you deal with Jones don't have any effect unless I have got some economic hold over you.

Commissioner O'CONNELL. And the thing that I can do individually becomes illegal if two of us do it?

Dr. LEWIS. It is not the fact of us doing it or that one of us does it. It is that under the circumstances we have a power to carry out our threat of harm which is implied, and that comes in the normal case, comes in practically every case, almost, but not entirely, from combinations. And therefore it is the combination to boycott which has come before the courts. The courts never anticipate questions. They have not taken the position in regard to the individual man, because it has not practically come before them.

Now, in the secondary boycott we have a problem substantially similar to the kind of problem that we had in the strike situation.

Those who institute a secondary boycott of that kind exercise two fundamental principles of law, which, ordinarily speaking, a man has a right to exercise. They exercise the right to refuse to deal with anybody that they don't want to deal with, and they exercise the right of free speech. They tell me why. And yet just as in the case of the strike, they do combine to injure another person. And there again we have the conflict between, in this case, two principles of law on one side and one on the other, both of which apply to the same situation and with different results.

Now, the courts faced with that situation have, you can say they have, not been consistent. In a sense that is true. The same excuse exists in both cases—it is the improvement of the condition of the laborer, the same excuse in both cases, and yet a different legal determination of result. The courts are again faced with the fact, "Shall we legalize all boycotts, or shall we say that all boycotts are illegal," and they have practically said that all effective boycotts are illegal, and therefore labor is deprived at the present time of the

weapon of the secondary boycott, while granted the right of the weapon of the strike.

Now, that result is apparently inconsistent. I don't want you to get the idea that I condemn the result. I think the courts, confronted with a very difficult situation, have done probably the best that can be done. There is at least this difference between the primary and the secondary boycott: The primary boycott merely relates to a controversy between two men individually, or two groups of persons, or an employer on one hand and his employees on the other. The fight, when it is confined to a strike, is confined to the parties to the controversy, but when the boycott is introduced then a third person who has nothing to do with that controversy is hauled into it against his will, and therefore the position of the courts that the secondary boycott is illegal and the strike is legal has a certain amount of practical justification. The real thing is that in both cases they are confronted with an immensely difficult problem.

Now, if I have answered your question—

Commissioner O'CONNELL (interrupting). I would like to ask the question, Is there a differentiation between the causes of boycotting? For instance, a concern is manufacturing wearing apparel under a most unfair condition, employing children at very meager wages, employing women at very low wages, housing people under inhuman conditions, everything so unfavorable that it is practically a pest in the community, and it is declared unfair by somebody, people refuse to patronize, in the ordinary way, would the court of law differentiate at all, good, bad, and indifferent, in the matter?

Dr. LEWIS. In the case exactly as you put it, which you have illustrated by merely a strike or primary boycott, not the secondary one—it is not a strike of laborers, but a strike of consumers. It is merely an advice on the part of one man in the case you put to all others not to deal at a particular department store, for instance, because they don't treat their girls properly, don't give them living wages, don't give them proper places to sit down, and so forth. Now, that is nothing more than a strike of consumers and, whether done single or in combinations, it is perfectly legal. But if that combination goes further and says to anyone who deals with that store, "If you deal in that store which treats with laborers unfairly, we don't deal with you," then you have the secondary boycott, and that is illegal. And it is illegal just as much in the case of a controversy with the consumers' association and as an action by the consumers' association as it is illegal in the case of a labor organization.

But your question, sir, does bring me to the thought which my preliminary explanation was leading up to, which is this:

The courts can not go into the question as to whether the general conduct of a business is fair or unfair. They have not got the machinery to go into that question even if they had the legal right so to do. Their machinery would break down. For instance, if every time it was a question as to whether a secondary boycott was or was not legal depends upon whether, on the whole, the treatment of the laborer has been fair by the employer, or unfair, or whether the employer was unreasonable or whether the labor was unreasonable, I think you can readily see if the thousands of courts in this country, each having the jurisdiction to determine that question, and with the fact that those courts are crowded with other business, that you would be putting upon the courts an administrative machinery which was practically impossible of being administered properly.

The courts' position is perfectly sound. We have got to determine whether the boycott generally is legal or not. If we determine that it is illegal we are going to stop it no matter whether the person against whom it is directed is antisocial or not. We can not go into that question because we have got no machinery to go into it.

Now, that brings me down to the only practical suggestion I have for you, and that is this: That we do need a machinery which will do that very thing. Let me illustrate that by a single example: Personally, I believe that if labor is going to improve its conditions in this country, the practical recognition of the right of collective bargaining on the wage contract must take place. I believe that a manufacturer, be he large or small, who not only refuses to recognize organized labor but stands on his legal rights of dealing with each laborer separately, not only refuses to do that, but goes a step further and refuses to arbitrate the question whether under all the circumstance of that particular case he should not recognize the labor organization which pretends,

either correctly or not, to represent his employees, refuses to arbitrate that question, that he is guilty of substantially antisocial conduct, and that in that case the labor organization should be allowed to use against him the secondary boycott.

Commissioner O'CONNELL. I was just going to ask you if that was not another construction of the secondary boycott?

Dr. LEWIS. Just what do you mean?

Commissioner O'CONNELL. Well, if the employer refuses to arbitrate a dispute that involves a very large number of people in the dispute, such as, we will say, public conveyances, railway companies, so that the public are put to a great inconvenience because of it, don't you suppose he could be construed as a man that is responsible for a secondary boycott?

Dr. LEWIS. He is responsible, but as to the point I wish to bring out it is that the courts under our existing legal machinery, it is an impossible task to ask them to go into it and decide it.

Commissioner O'CONNELL. Yes.

Dr. LEWIS. And, therefore, in that case, I say, the necessity for a machinery that can go into it and at least make a preliminary determination on that question, I think is clear. And I applied it not only to the case of the boycott directed against a manufacturer or other employer who persistently refuses to arbitrate the question whether he should recognize a labor organization, but I also apply it to the question of a strike. All strikes are now legal or illegal. That, as I pointed out, with our existing machinery, is absolutely necessary. A halfway position can not be taken by the courts. They can not say that some strikes are legal, others are illegal. All strikes have to be legal if some are.

Acting Chairman WEINSTOCK. May I see if I understand your position clearly. You point out that under existing conditions the courts do not differentiate between a fit employer and an unfit employer?

Dr. LEWIS. Not only that, but they can not and should not do so.

Acting Chairman WEINSTOCK. Your idea would be that the remedy lies along the lines of establishing machinery whereby it would be possible to differentiate between a fair and an unfair employer; having differentiated between the fair and unfair employer, your thought would be that the secondary boycott should be legalized against the unfair employer?

Dr. LEWIS. That is my thought.

Acting Chairman WEINSTOCK. Yes.

Dr. LEWIS. Now, the nature of that machinery has to be an administrative body of some kind. It has to be administrative machinery. It has to be not necessarily a commission, but some body of persons charged with the duty of, on request of either party, examining the question as to whether the position of either party is essentially standing unfairly on extreme legal rights. And then, if that is determined, then leave it to the courts, and I think you can safely leave it to the courts to determine whether the machinery of the secondary boycott can be used against the unfair manufacturer on the one hand and, as I was saying, I apply it also to the laborers on the other hand.

Let me make that clear.

All strikes are now legal. We know that some strikes are utterly unjustifiable; they are grossly unfair to the employer. Now, if such a condition exists, the administrative body to which I refer should have the power of so declaring; and under those circumstances I think we can safely leave it to the courts to determine that those who are responsible for fostering that strike be committed to it.

Acting Chairman WEINSTOCK. This administrative body you speak of, Doctor, would be purely an investigating body; it would have no powers beyond that?

Dr. LEWIS. It would have a double power; it would have the power of investigation and it would add to that power of investigation the power of directly prohibiting or not, in the first instance, with an appeal to the court, the secondary boycott on the one hand or the strike on the other.

Acting Chairman WEINSTOCK. Then under those circumstances, would you not bring about a condition where you would make the strike under certain circumstances illegal?

Dr. LEWIS. I would.

Acting Chairman WEINSTOCK. Well, how could you compel those illegal strikers to work when they did not want to work?

Dr. LEWIS. I would not. I don't think you can. All that you would do is to do exactly what is now done by the courts in the case of the secondary boycott.

You can not compel a number of persons to go to a particular retailer who carries the goods of a manufacturer who has been declared unfair, but you can punish those who institute the conspiracy to produce that result, and that is all you can do on the other side.

Commissioner LENNON. Your law would be something in the nature of the Canadian law, creating a body like unto what the Canadian law does in the investigation?

Dr. LEWIS. Yes.

Commissioner LENNON. That is, in part; not altogether?

Dr. LEWIS. In part; yes.

Commissioner O'CONNELL. It prohibits the strikes before investigation?

Dr. LEWIS. Yes; that is the Canadian law. One is sometimes asked this question: Do you believe in compulsory arbitration? I do not, personally; but I do believe that when a man is guilty, and held guilty, after careful investigation, of unsocial conduct, that those who have that controversy with him should have the right to use weapons which they have not ordinarily the right to use.

Commissioner LENNON. Well, Professor, do you consider the blacklist a form of secondary boycott?

Dr. LEWIS. If what you mean by blacklisting is that the manufacturer who employs a person on a blacklist is by so employing hurt in his trade or business by persons refusing to deal with him and accommodate him with loans, and so forth—

Commissioner LENNON (interrupting). Well, I mean as applied to the workman. For instance, a manufacturer discharges a man because he belongs to the union, and he then informs all the rest of the manufacturers in the United States or in his district that this man has been discharged because he belonged to the union; and, because of that statement, no one else will employ him, isn't that a secondary boycott so far as that man is concerned?

Dr. LEWIS. Yes—if I may answer that question yes and no. Where the action on the part of the manufacturers is apparently voluntary on their part, where there is no pressure brought to make them not employ that man except the argument that he belongs to the union, you have not the secondary boycott in the contemplation of the law.

Commissioner LENNON. That is the greatest pressure there is in industry. There is no other pressure so powerful as that.

Commissioner O'CONNELL. As, for instance, in New York last week, this admission came out: Eighteen stores or business concerns in an association employing 75,000 people, if a person employed in any one of those concerns is discharged for dishonesty or for any cause whatsoever, even insubordination, it goes to headquarters, and he is known by an index-card system, and it is marked on his card. The next place he goes to belonging to that organization they get his record from that headquarters. He is one of 75,000 people employed in that association, and his record shows he has been discharged probably for insubordination, and he can not find employment among 75,000 people. Isn't that pretty near secondary boycotting?

Dr. LEWIS. Well, if you ask me whether that can be used, and to my knowledge it has been used in great unfairness, that it ought to be—its unfair use should be a tort and probably is a tort as a conspiracy to injure a person, I answer yes. But if you ask me whether it is all right to give the name secondary boycott to it, well, all I reply to that is that it helps our problems if we separate them. The kind of action done there is a different action than the action which makes a man not employ another man because of some force rather than the cause of some argument.

Commissioner O'CONNELL. Well, it is a rose by some other name.

Dr. LEWIS. Well, let me ask you this question in the illustration which you put: I am a manufacturer in New York. I belong to this association, is there any pressure for me to belong to it?

Commissioner O'CONNELL. I imagine yes—a sort of business pressure.

Dr. LEWIS. Well, if there is, and I lose my position as a member it is unquestionably a secondary boycott; but if there is nothing—if I do it perfectly voluntarily—why, then it is not a secondary boycott. It may be grossly unfair, but there are other forms of evils in trade and industry besides the secondary boycott.

Commissioner LENNON. I would like to ask you a question outside of what you have been dealing with, but which to me is very important. As to the application of the law and the rules of the courts dealing with the ordinary

criminal and civil cases, is there any difference as to the application of the law to the poor man and the rich man?

Dr. LEWIS. None at all, sir.

Commissioner LENNIX. You have not discovered any?

Dr. LEWIS. No. There are, of course, individual instances in the courts, and individual instances as in juries and in judges, where the poor man on the one hand and the rich man on the other hand has been undoubtedly favored because he was poor or because he was rich.

Commissioner LENNIX. No; I don't mean that. If my question indicated that the attitude of the courts or their rules was caused purely by the question of riches on the one side or poverty on the other side, I did not so mean it. But does not the administration of the courts, because of the rules that govern their actions, make it more likely that the rich man will secure justice in many cases than that the poor man will?

Dr. LEWIS. Only to this extent, sir, the technicalities of legal procedure, especially criminal legal procedure, and the same is also true in civil.

Commissioner LENNIX. Yes; they are worse in civil.

Dr. LEWIS. I suppose the man who is skillfully represented, and is a defendant, whether a defendant in a criminal or a civil suit, if he has a long purse to hold off the day on which a judgment or a conviction is made against him, it enables him to present those technicalities in a skillful way by employing skillful lawyers to do it. In that sense, and it is a very important sense, in the practical administration of law in this country, we fall down. We fall down, for instance, as compared with Europe, and we fall down as compared with England, and I will say further that it is—I don't like to use the word disgrace, because no one person or cause is responsible for it, but applying it to the whole people of the United States, as well as to the bar, it is a disgrace to the people of the United States that that is true. But if you mean for me to say that there are in the substantive rules of law any in which lean in favor of the rich man or person as against the poor man in the application of those laws, no, there is none.

Commissioner LENNIX. I am talking of personal injury cases, where, say, two men fall in a hole in the street here, and one of them is a man amply able to continue the suit for 25 years if necessary, but the other man must have a settlement immediately to take care of his family to-morrow?

Dr. LEWIS. Then, of course, the man who is under the necessity of immediately settling, in view of the delays of our courts, is at a tremendous disadvantage. That is the disadvantage to which I referred.

Acting Chairman WEINSTOCK. Finally, Doctor, going back to your proposed remedy in connection with this secondary boycott, as I understand it, there are three strike conditions; that is, three conditions that we have to deal with: First, there is compulsory arbitration, which you say you don't favor; then comes the Canadian system, which means compulsory investigation, making all strikes illegal until the State has investigated; third, the conditions that exist in our country, making the strike legal under all circumstances so long as law and order is not interfered with. Now, at which point would your proposed remedy enter; that is, the remedy of having some body of persons who would have authority to investigate with a view of determining whether the employer or the worker is unfair in their methods? Would that enter before work ceased or would it enter only after work ceased?

Dr. LEWIS. Enter at once if the controversy was existing and work had not ceased.

Acting Chairman WEINSTOCK. Well, who would have the power to take the initiative?

Dr. LEWIS. The commission itself, as all administrative bodies would have on its own motion, or on the application of either party.

Acting Chairman WEINSTOCK. Well, now, pending the investigation would, under your idea, the workers have the right to strike, and would the employers have the right to lock out?

Dr. LEWIS. My thought is yes; but if they did that then the weapon of the secondary boycott on the one side would be a weapon which could not be used.

Acting Chairman WEINSTOCK. That is, pending the investigation the secondary boycott would not be permitted?

Dr. LEWIS. If, for instance, a strike had taken place pending the investigation, then unquestionably the secondary boycott, under any circumstances, should not be allowed.

Acting Chairman WEINSTOCK. I see. But if a strike had not taken place, this proposed body made its investigations and found, for example, that the employer was unreasonably unfair in his position, then this body would have the power to permit the use of the secondary boycott?

Dr. LEWIS. Subject to the appeal to the court. I think you have always got to remember that last sentence in any proposal. In other words, it is never wise, irrespective entirely of whether it is constitutional, it is never wise to give arbitrary unappealed power to an administrative body.

Mr. BUSIEK. Now, just what form would this take? In your statement you say that when one side or the other has been guilty of social injustice that this administrative body can declare that person or association guilty of a social injustice. Now, having gotten to that point, then, would their report or their finding be binding upon the courts, or would the courts still have the power to review their findings?

Dr. LEWIS. In that case the ordinary administrative solution of the question which you suggest, or legal solution is this: The findings of fact, pure findings of fact, should be conclusive, but the conclusions drawn, whether the action is unfair or not, should be subject to appeal.

Mr. BUSIEK. Just in the case as in any ordinary reference by court?

Dr. LEWIS. Well, that is not always true, any reference by court, but what I mean I think is clear to you.

Mr. BUSIEK. Doctor, would you create a crime or a tort of unsocial conduct?

Dr. LEWIS. No.

Mr. BUSIEK. How would the scheme work out? Would it merely be that the court would fail to restrain the use of the secondary boycott, or would it be declared that that be permitted?

Dr. LEWIS. I think the former. At any rate, no more new crimes. We don't settle social problems by increasing the number of crimes or putting people in jail. The thing that we are after is, is the practical end. Permit without legal restraint the secondary boycott in certain cases, but only in cases where the action has been essentially unfair on the side of the employer.

Mr. BUSIEK. Here is what I am trying to get at. Your administrative body declares that the attitude of the employer is unfair?

Dr. LEWIS. Yes.

Mr. BUSIEK. Having declared that, then the other party can declare a secondary boycott. Now, does that immediately become lawful, the secondary boycott, or would it have to be tested by the courts?

Dr. LEWIS. It would then have to be tested. The courts would be the only body to restrain the secondary boycott when the application for the restraint of the secondary boycott came before the courts, as it comes before the courts to-day, and the courts, in view of the determination of the commission, if you choose so to call it, would refuse to so restrain. I think in that you see the machinery, the general nature of the machinery, which I have in view.

Mr. BUSIEK. Are there any practical difficulties, I mean any legal difficulties, constitutional or otherwise, that stand in the way of a commission of this kind, or an administrative body of this kind?

Dr. LEWIS. In reply to that question I will say that no lawyer who for a moment cares anything for his reputation as such, can take the position that somebody won't find constitutional objections. We live under a written constitutional system, and the practical result of that is that almost any proposition somebody may raise a constitutional objection to. If you asked me whether I believed that such objections that might be made would in the long run prove successful objections, no; I don't think so.

Commissioner O'CONNELL. Have you written something on this subject which you have just been discussing this morning?

Dr. LEWIS. No; I have not, except that I have made in a general way an address which covers somewhat the same ground.

Commissioner O'CONNELL. Is there something in print which you could furnish?

Dr. LEWIS. I should be very glad to reduce to writing substantially the thought which I have expressed this morning. Indeed, I would have done so before, but I have been away from the city, and only this morning at 9 o'clock did I realize the exact nature of what you wished me to say.

Commissioner O'CONNELL. Have you written anything on the question of injunctions, Professor?

Dr. LEWIS. Yes, I have written on injunctions and labor disputes and things of that sort.

Commissioner O'CONNELL. We will be glad to have you file with us anything you have.

Dr. LEWIS. Well, I will be very glad to file anything that would occur to me, on looking over, that would be useful.

Commissioner O'CONNELL. If you will, please.

(Articles by Dr. Lewis of the following titles were later submitted: "A protest against administering criminal law by injunction—the Debs case," appearing in the *American Law Register and Review*, December, 1894; "Strikes and courts of equity," in the *American Law Register*, January, 1898; "Some leading English cases on trade and labor disputes," in the *American Law Register*, March, 1903; "English cases on the restraint of libel by injunction since the Supreme Court judicature act, 1873," in the *American Law Register*, June, 1903; "The modern American cases arising out of trade and labor disputes," in *American Law Register*, August, 1905; "Should the motive of the defendant affect the question of his liability?—the answer of one class of trade and labor cases," in *Columbia Law Review*, February, 1905; "The closed market, the union shop, and the common law," in *Harvard Law Review*, April, 1905; "Injunctions against nuisances and the rule requiring the plaintiff to establish his right at law," in *University of Pennsylvania Law Review and American Law Register*, May, 1908.)

Commissioner O'CONNELL. That is all for you, Doctor; thank you very much.

TESTIMONY OF MR. JOHN WANAMAKER.

Mr. BUSIEK. Mr. Wanamaker, will you please state your experience as an employer of labor, that is, as a private individual, and approximately the number of people you have had working for you as a private individual, and also when you were Postmaster General?

Mr. WANAMAKER. I think that the number at the present time—in Philadelphia, you mean?

Mr. BUSIEK. Yes.

Mr. WANAMAKER. Is about 6,000. It rises later in the year to about 7,800 in Philadelphia. In the Post Office Department it used to be said that we had 400,000 employees, but I think it was never over 300,000.

Mr. BUSIEK. As an employer of labor, Mr. Wanamaker, in such large numbers, I suppose it is reasonable to assume that you have made quite a study of the relations between employer and employees?

Mr. WANAMAKER. I think I have.

Mr. BUSIEK. And Mr. Wanamaker, have you formed any opinions as to the advisability or the desirability of the organization of employees? First, take it in the private service. You may be seated, unless you prefer to stand during this examination.

Mr. WANAMAKER. Whatever your pleasure is.

Mr. BUSIEK. It is your pleasure we are consulting. I will repeat the question. Have you formed any opinion as to the desirability or advisability of the organization of employees in dealing with the employer collectively?

Mr. WANAMAKER. Perhaps I will feel a little freer addressing the commission if I stand. It seems a little more respectful. I am glad that I have not been subpoenaed to come and have volunteered to come and feel very anxious to assist you in getting any information that I can either give myself or enable others to contribute. I have only an experience, and I am not a lawyer, and if you would like me to—

Commissioner O'CONNELL. We will be very glad to have you go into it in your own way; take your own time, and tell us something about your business and how you deal as employer with the employee, and to receive any suggestions you may have to make.

Mr. WANAMAKER. If I had my own way, Brother Commissioner, I would invite you to take breakfast with me to-morrow morning at 8 o'clock, in my own little room in the business, and to stay all day, if you would; and I would give you a good luncheon and a good dinner, and turn everything loose to you and make everybody free and give you the history of the actual operation of such an establishment.

It is a private concern. It is not, in the sense that my friend the dean has just now said, a department store; for we haven't any ill-paid people, which I think we can prove to you; and it never has been true, and I do not think it is true of any well-conducted store that there are no seats for the people to sit

down if they want to. These things are slanders upon these stores. And I think it worth while to contradict it in the most positive way that such things do not exist in any large, well-regulated establishment.

The concern is not connected with any of these organizations of which you have been speaking this morning. From its beginning it insisted upon non-membership, either in New York or in Philadelphia. In one word, it is a great family. It began in a very little way. There isn't any corporation that anybody has any ownership in except myself. There is no stock that has been left by grandfather, unfortunately, as my friend seems to think, that it was a misfortune to have bonds that they had not earned themselves.

Acting Chairman WEINSTOCK. May I be permitted to explain that the purpose of this commission is not to investigate the conditions in any one particular business. We are dealing with the general business.

Mr. WANAMAKER. I understand you perfectly, and I want to meet it exactly in that way. And there isn't any question that you can ask that I will not try to answer and give you all the facts. I felt that, as the owner of the business and cognizant of it from the beginning of it to the end, perhaps I could not furnish you with the details, so I brought two of the boys; one of them has been with me 45 years and the other for 39 years; one is the principal manager and the other is an assistant manager, and they are perfectly familiar with almost every detail.

Now, it seems proper for me to answer the question that has been addressed to me. We greatly favor the organizations of our own people. I think, perhaps, at the present time, there are at least 10 organizations. There were two fundamental principals in the organizing of the business, Mr. Chairman. One was that we had a relation to everyone that we employed that was not fulfilled by the simple paying of the salary that was agreed upon; that we were spending our lives together, and it was our duty to increase the value of our people to us and also to themselves by education. So that from the very beginning of the business, not in a very prominent way, but certainly for the last 18 or 20 years in quite an important way, we have organized schools in which all the younger people, sometimes to the number of 700, are part of the time every day at work for themselves as well as for me in the schools, receiving the salary just the same as if they were in the offices or behind the counter. So that we do favor these organizations. Does that answer your question?

Acting Chairman WEINSTOCK. Yes. Now, when you say, Mr. Wanamaker, that you favor organizations, are we to understand by that that you favor collective bargaining?

Mr. WANAMAKER. Collective bargaining? I don't quite understand. I would be very glad—

Acting Chairman WEINSTOCK (interrupting). Well, you know there are two distinctive methods of the employer dealing with the employee—one known as the individual bargaining, where the employer makes the bargaining with each individual separately; and then there is the method generally known as collective bargaining, where the employer deals with his employees collectively.

Mr. WANAMAKER. We deal with everyone individually.

Commissioner O'CONNELL. Now, Mr. Wanamaker, we had the pleasure of the presence of your general manager of your New York store before us week before last in New York City and had some very valuable information from him. What we would like to get from you this morning or from those whom you have with you, or later, if you may not be in position to supply it just now, is something as to the wages paid, the age of the employees, and particularly the minimum age for the employment of girls, the hours of employment, and the conditions under which they are employed, and those things that go to show their everyday life in your store, and how they can live after they leave your store. If you have an organization of employees in the store—a sick organization, or a beneficial organization, or something of that kind in the store organized among the employees themselves, under what conditions is that operated, and whether operated entirely by the employees or by the John Wanamaker firm, or whether the firm has something to do with that.

Mr. WANAMAKER. I should be very glad to give you the facts. At the beginning of the business, the systems were very different. It has been 56 years ago; and when there was sickness or trouble or accident, the general plan was that the people were sympathetic and made subscriptions, and helped those people who were unfortunate. There came a day when I personally dismissed every employee that we had—every one—and reengaged them on a different

basis, believing that the collections from sympathetic friends put an employee in an unfair position. And every one signed an application to become engaged on the basis of an insurance association of small contributions, which were to be taken from their salaries, and kept only as the treasurer of the account; and the association was to be under the control of the employees elected by them annually, and with a secretary, and to avoid the expense, I paid for that myself.

That association was the first of its kind. It has been eminently successful. I can not state how much money has gone out, but not less than \$600,000 that they have helped themselves; in my mind it is \$700,000. If I had it all to do over again, I don't think I could do it any other way. It is self-respecting.

Commissioner O'CONNELL. Is membership in that compulsory?

Mr. WANAMAKER. Not at all. Nobody is compelled to be employed; but if he wants to be employed, he has got to meet the conditions, and one of them to begin with, is the condition that before they can be employed, they are put on an eligible list, and before they are employed—after they are on that list, they have to pass a medical examination as to health and as to fitness for the work. Of course, we can not put everybody that applies for employment on an eligible list; but from the eligible list the persons are appointed. Now, as to whether they shall come in, it is a matter of salary which they must agree to themselves, and, it is a matter of meeting the conditions.

Commissioner O'CONNELL. But employment in your store makes it compulsory that they shall also belong to this beneficial association?

Mr. WANAMAKER. Not more than I feel that there is a compulsion for me to employ any particular person. It is an equal thing.

Commissioner O'CONNELL. Yes, certainly; but employment in your store means membership, both in your store and in this association?

Mr. WANAMAKER. They must meet that as any other condition.

Commissioner O'CONNELL. Now, if a clerk in your store, who has been employed by you 10 years, and who has been a member of this association and, perchance, has not been sick, or wanted anything out of it, leaves your store, of his own volition, or is dismissed for some unforeseen thing, does he or she forfeit all moneys that have been paid into the association?

Mr. WANAMAKER. Why his employment makes him a partner in an organization that gives to him, under certain conditions, what he could not get otherwise. That is a partnership that we enter into. I do not owe him anything.

Commissioner O'CONNELL. When the employment, then, or the partnership is severed, the partnership is severed in the association?

Mr. WANAMAKER. Certainly it is. But there is every inducement for a person to stay. First of all, we have a money value in every one that has been educated by us. We pay teachers—there are 28 teachers, I think, at the present time, in our schools. They have every advantage, and when they graduate in their classes, there is an automatic increase in salaries for many of them, because they have learned something which makes them better earners, and they have besides that—to put it in while it is in my mind, for I shall not think of it again, perhaps—while there has been no legal obligation upon us, we have from the beginning, when people have for some reason of failing health, or by reason of particularly good service, or from age, we have a retiring of those people at half pay. At the present time, it would take \$2,000,000 in gold to pay that annual charge to these people who belong to our family, whom we are trying to educate to be more valuable to us all the time, and more valuable to themselves.

Commissioner O'CONNELL. Supposing, Mr. Wanamaker, that there is a general stagnation of business and it requires a large reduction of your force, then, what becomes of the interest of those who are laid off in this association?

Mr. WANAMAKER. We have gone through a number of periods like that. We never lay anyone off on account of the stagnation of business.

Commissioner O'CONNELL. I suppose the association has a regular constitution, printed by-laws of some kind, and regulations?

Mr. WANAMAKER. Which one?

Commissioner O'CONNELL. This organization of the employees in the store?

Mr. WANAMAKER. There are several organizations, and I have only spoken of one of them. First, you would like, perhaps, to see the form of application that they have.

Commissioner O'CONNELL. We would like to have you file with us the constitution and all printed matter covering that organization.

(The constitution of the Wanamaker Mutual Insurance Association of Philadelphia and the various blank forms, etc., were submitted in printed form.)

Mr. WANAMAKER. We are very eager to improve the conditions of the working people. I should be awfully sorry if we had to follow under the conditions as related this morning about the Fall River people.

Our idea is that wages take the course of commerce, and flow like the rivers flow—if there are natural causes. One person with five children might be just as good looking as another person with ten, or one with but one, or none. It is what the man is and what he can produce, and the kind of a system that I have always believed in and worked for, Mr. Chairman, which I will be so happy if you have even an hour to spend—

Commissioner O'CONNELL (interposing). We may get there before we get away.

Mr. WANAMAKER. I hope you will. I believe we can emancipate people from the severity of working life by educating them—making them worth more.

Those people at Fall River have no business to be there when there are so many people wanted in the West. Why doesn't the Secretary of Commerce put people where they belong? Why shall we count everything on the basis of this great population that is coming across the sea and that is working Sundays, week days, and nights, and working for nothing, making up these low rates of wages? I believe we want all the people we can get in this country; but it is a very difficult piece of work that you gentlemen have in hand. I sympathize with you, and want to help you. There is no other country that has gone ahead so fast, and that has as many conditions in it to regulate.

Commissioner O'CONNELL. Mr. Wanamaker, if you can say, how many people do you employ—about 7,000?

Mr. WANAMAKER. Yes, sir.

Commissioner O'CONNELL. What percentage of that 7,000 are female?

Mr. WANAMAKER. I couldn't give you that exactly; but there is a man here who can.

Commissioner O'CONNELL. Approximately, 60 and 40, or 70 and 30?

Mr. WANAMAKER. I should say about 60 and 40.

Commissioner O'CONNELL. About 60 and 40?

Mr. WANAMAKER. Yes, sir; but you can get it exactly.

Commissioner O'CONNELL. That is near enough for the sake of argument. Have you a minimum wage for female laborers?

Mr. WANAMAKER. Unfortunately, we have.

Commissioner O'CONNELL. What is that minimum wage?

Mr. WANAMAKER. Unfortunately, it is \$8.

Commissioner O'CONNELL. For saleswomen?

Mr. WANAMAKER. Yes, sir; \$7 for the people who come in at night and do the scrubbing.

Commissioner O'CONNELL. Are your clerks required at any time to work overtime—over the regular time?

Mr. WANAMAKER. No; except by some accident.

Commissioner O'CONNELL. And if they do are they compensated extra for that?

Mr. WANAMAKER. I am not sure that I can answer that definitely. In instances they are, but it is simply—we try to make up to the employees anything that they do in overwork either one way or another.

Commissioner O'CONNELL. Have you a minimum wage for the employment of girls or boys?

Mr. WANAMAKER. I am not sure—

Commissioner O'CONNELL (interposing). Such as cash girls or those who run around?

Mr. WANAMAKER. We haven't cash girls.

Commissioner O'CONNELL. Who are not salesladies?

Mr. WANAMAKER. We have only people who are messengers, and they are over the age that the law fixes.

Commissioner O'CONNELL. That is 14 in this State?

Mr. WANAMAKER. Yes, sir; 14. Then they are in positions of education, to be put forward.

Commissioner O'CONNELL. They attend school each day in the store?

Mr. WANAMAKER. They do.

Commissioner O'CONNELL. How many hours a day?

Mr. WANAMAKER. Well, it is graduated by the particular classes; some of them longer than others. The young men, of course, have more time.

Commissioner O'CONNELL. Is your school system under the direction of the city schools?

Mr. WANAMAKER. No, sir.

Commissioner O'CONNELL. Under your direction?

Mr. WANAMAKER. Under our own direction. We would be very glad to have it, if it could be done practically——

Commissioner O'CONNELL (interrupting). What are the working hours of the store?

Mr. WANAMAKER. They start at 8 o'clock in the morning, and at this time of the year they close at 5. Saturdays—afternoons—a little later.

Commissioner O'CONNELL. How much for luncheon?

Mr. WANAMAKER. One hour.

Commissioner O'CONNELL. Are there recreation grounds on top of the building, or some place in the building?

Mr. WANAMAKER. There are none.

Commissioner O'CONNELL. Is there any time given to be off the floor in the forenoon or afternoon; say 15 minutes or such time?

Mr. WANAMAKER. There is great freedom in regard to that.

Commissioner O'CONNELL. There is no stated hour?

Mr. WANAMAKER. No, sir; simply we want to be—some may want to be away a great deal and some not at all. If they were not watched they would hurt themselves. They would become less useful—lose their places.

Commissioner O'CONNELL. You say you have some sort of a pension system?

Mr. WANAMAKER. We retire people at half pay.

Commissioner O'CONNELL. How long must they be employed to be entitled to that?

Mr. WANAMAKER. We have no iron-bound regulation about that. We find a man has gone away to California to get his health and fails, comes back and goes to work, and fails again; we think it is about time to put him on. At least half of the people are put on the retired roll against their own will.

Commissioner O'CONNELL. Is that decided by a board in your firm, or by yourself?

Mr. WANAMAKER. Decided by myself, with conference with our important people who have grown up to be managers.

Commissioner O'CONNELL. Then there is no particular time of service required to be entitled to that; it is purely a matter of your liberality, in a sense?

Mr. WANAMAKER. No, sir; it is not true, because it comes as a part of the system. We feel that people who have been faithful and whose records we have, that we owe something to them where no liability really exists.

Commissioner O'CONNELL. Mr. Wanamaker, there is one of the things that affects the people generally, and one which this commission is trying to seek out; it is just a question of the relations of the employee with the employer.

What method have you in your store in case of a discharge of a clerk by a floorwalker or some one over her? What redress does she have if she is unjustly discharged? Who does she go to, or what methods are there in the store for the adjusting of the grievances of the individual employee?

Mr. WANAMAKER. Well, I am so much older than yourself——

Commissioner O'CONNELL (interrupting). I don't know.

Mr. WANAMAKER. That I have spent myself studying all those questions. I wish to say to you the worst thing that could happen in my business would be for people to be in a position where they would endeavor in any way to make public their own faults. No person can lose their place in the store. It is a fixed fact that we do not allow anyone to come in and go between a young man and his opportunity or a woman and her opportunity. It does not occur once in 10 years that there is a case that we can not fill from our own people. These people who have come here were boys—one was my office boy—climbing up, climbing up, and when there are changes in the store it is for some fault like collusion—stealing. But there is a great mistake in the public mind about the morality of those people in the store. They could not do the work if they were dishonest people—looseness of habit and all that sort of thing.

Commissioner O'CONNELL. Mr. Wanamaker, I do not mean to convey the impression that those things occur in your store every day or every week or every month, but there must be some time that a clerk in your store is discharged for some cause or another; it seems almost impossible that it should not occur, even in a store where such management as your own exists. In case a clerk is discharged, how does she proceed in your store, or is there any

method in your store where she can proceed to correct an injustice if she feels one has been done her?

MR. WANAMAKER. I have been there every day, with very few holiday trips abroad, and those people know that my door is open to them, and it generally comes to me. They know that just as well as they know their A, B, C's; it comes by letter, it comes from some minister, that something has been done; it comes from a priest who brings back some money that has come into his hands. We are sure to get it. You are exactly right. There are things a man does not understand. Sometimes it is very important that you make him feel right and that justice has been done. It would be a most intolerable place to live where a dozen people could get together and say all these things that have been presented to us are not true. It would be like living in hell if people could say they lie about this thing and that, or that they have not been fairly treated.

Acting Chairman WEINSTOCK. The hour of adjournment has come, Mr. Wanamaker. May I ask you to be back at 2 again?

MR. WANAMAKER. Could it be to-morrow? I have been here all morning.

Acting Chairman WEINSTOCK. If it suits your convenience,

Commissioner O'CONNELL. To-morrow, could you have some one get some figures as to the number of your employees, male and female?

(The data referred to was later submitted in printed form.)

MR. WANAMAKER. Anything, if you will tell me what it is.

Commissioner O'CONNELL. Mr. Busiek will give you that.

Acting Chairman WEINSTOCK. May we look for you at 10 o'clock to-morrow morning?

MR. WANAMAKER. At 10 o'clock. I will be very glad to come every morning, if you like.

(Thereupon, at 12:30 o'clock, a recess was taken until 2 o'clock p. m.)

AFTERNOON SESSION—2 O'CLOCK P. M.

Commission called to order, Acting Chairman Weinstock presiding.

TESTIMONY OF MR. MORRIS LLEWELLYN COOKE.

MR. BUSIEK. Mr. Cooke, for the purposes of the record, please state your name and present occupation.

MR. COOKE. MORRIS L. COOKE, consulting engineer, and present director of public works, of Philadelphia.

MR. BUSIEK. Had you followed the profession of consulting engineer prior to taking your present public position?

MR. COOKE. Yes, sir.

MR. BUSIEK. What lines of work have you been in, Mr. Cooke, as consulting engineer?

MR. COOKE. In matters of management?

MR. BUSIEK. In what industries particularly?

MR. COOKE. Especially in the printing industry—not, however, any particular industry. I have happened to have spent a good deal of time in the printing industry.

MR. BUSIEK. Any particular large concerns that you have worked for as consulting engineer?

MR. COOKE. Yes, sir.

MR. BUSIEK. What ones?

MR. COOKE. I prefer not to give the list, because—

MR. BUSIEK. Very well. In your work, Mr. Cooke, you have formed opinions upon various subjects, such as the manifestations of unemployment, the bonus system, and also the relation of organized labor and collective bargaining to the employer. What, in your opinion, is the effect of scientific management, first, defining your idea of scientific management to the problem of relations between employer and employee.

MR. COOKE. May I have the privilege of standing?

Acting Chairman WEINSTOCK. You may.

MR. COOKE. I think better on my feet. I imagine from the invitation you gave me in Washington that it was on scientific management that you wanted my opinion, and I have to plead guilty to knowing very little about it.

On the cover of one of Mr. John Mitchell's books there is this quotation from Carlyle: "This that they call organization of labor is the universally vital problem of the world."

Now, I think that that summarizes my interest in scientific management, because I believe that through scientific management we are going to get more of what Mr. Carlyle had in mind by organization than by any other system of philosophy or grouping of mechanisms that I know anything about.

Now, this organization has got to be efficient and scientific. It has got to be democratic; that is, where every party to it has a fair share in its conduct. It has got to be built out of cooperation and not out of strife and loss. But it seems to me almost of main importance that it must be so conceived as to afford a basis for an everexpanding idealism.

Now, scientific management, as you gentlemen know better than I do, is a pretty big subject; and I am going to take the liberty of referring to an article of mine, a paper called "The spirit and social significance of scientific management," printed in the *Journal of Political Economy*, June, 1913, which covers my general views on that particular phase of scientific management. That is what scientific management, as I see it, is to do for the individual and for society.

(The paper referred to was marked "Exhibit No. 1, Witness Cooke," dated June 22, 1914.

Cooke Exhibit No. 1, "The spirit and social significance of scientific management," by Morris L. Cooke, from the *Journal of Political Economy*, Vol. XXI, No. 6, June, 1913, was submitted in printed form.)

In the time that you care to give me this afternoon I would like to say a few things about the relation of scientific management to the problem of unemployment. I have covered that in a popular way in a paper, taking up about a column, and printed in the *Philadelphia Sunday morning papers* of May 10, and with your permission I will give that.

(The paper produced was marked "Exhibit No. 2, Witness Cooke," dated June 22, 1914.

See Cooke Exhibit No. 2.)

Now I want to speak from the national viewpoint, and not from that of any business, or even of any single industry. I am referring, not so much to unemployment as to the intermittence of employment—rather to those widespread changes and conditions which affect the total number of men employed. I am referring to a matter of industrial adjustment, which to my way of thinking, and to our way of thinking, is possible, rather than to the fighting of industrial depression and industrial catastrophes of one kind and another, which are beyond our power to minimize.

Just to give a few examples, the census records show that 39 per cent of the male workers were out of work in 1910 from four to six months.

I have a letter here from Miss Van Kleeck, who is conducting an investigation into the work of the Italian flower girls in New York, representing a committee of the Russell Sage Foundation. I will be very glad to give you a copy of the letter in which she takes up one case after another, the first one being Rose, a flower maker, showing the conditions weeks at a time having no work when she needed it most, and having it without regard to the normal labor demand of her own efficiency or inefficiency.

(The letter was marked "Cooke Exhibit No. 3," June 22, 1914.

See Cooke Exhibit No. 3.)

I also want to leave with you a page out of Miss Van Kleeck's book entitled "Women in the bookbinding trade," which gives the schedule of advertisements, which appeared in the *New York World* from July 1, 1908, to June 30, 1909, a period of one year, in which those concerns in New York City advertised for 1,064 people. Especially interesting is the fact that they advertised for 26 forewomen. I dare say that during that entire period there was not a single advertisement placed by any concern that was operating under anything approximating scientific management, and I am quite sure that during the entire period, and throughout the entire county, no concern operating under scientific management advertised for either a forewoman or foreman. I sent down on Friday and had the schedule copied of employees wanted, in front of a large clothing concern on South Broad Street. I have been interested from time to time, in passing there, in seeing the list of people who were required. On Friday morning they wanted ticket girls, sewers, girls, edge basters, feller hands, canvas basters, pressers. I am not familiar with the clothing business, but I am quite sure that if that establishment were managed anything that approximated scientific management, at a time when I happened to know that a great many of their employees are out of employment or laid off, that they would have been able to have utilized the people

in the building—to have utilized the people in the building in doing the work called for there, with a minimum of education and training.

Perhaps a most impressive incident are those tremendous lay offs of men. We had one particularly unfortunate one in this city in 1908, where a concern employed about 19,000 people, and on January 1, 1908, and some six or seven weeks later there had been 8,000 and 9,000 working part time.

We have recently seen the railroads do something of the same sort. I have seen it stated in the papers that the Ford Automobile manufactory recently laid off a number of men, variously stated as between 3,000 and 6,000. Now, I want to express it as an absolute conviction that had any of those establishments had anything approximating scientific management those lay offs would not have occurred. Undoubtedly there will be fluctuations, but the fluctuations will be not so violent and will be spread over a period of time that will enable the community to more or less absorb them.

(A document was marked "Cooke Exhibit No. 4," of June 22, 1914.

See Cooke Exhibit No. 4.)

I am especially anxious to call your attention to those forms of unemployment which are more or less insidious. Those of us who are in the industries hardly recognize them. Time will not permit my going into any detail on those, but you will all recognize the case of the pieceworkers. Well, take the girl who is rated at \$9 a week. If by Thursday night Molly or Maud, whatever her name happens to be, has earned \$9 a week she is liable to get tough jobs on Friday, or Saturday, or no job at all, because the forelady understands if this week she earns \$10 or \$11 she is going to be troublesome. After Molly earns \$10 or \$11 three weeks in succession she seems to think she is worth \$10 or \$11 and requires a readjustment in the scale. That goes on with practically every pieceworker, but the foreman or forewoman has to keep their head about what that man or woman is supposed to be worth and see that the jobs are so regulated that they do not earn more than this given amount.

Again, pieceworkers suffer from materials not being on hand, and very frequently pieceworkers will be laid off for a day or for an hour for no fault of their own and not given an opportunity to go ahead, because the materials required for their work is not present.

Then, again, we have the case of the magazines. A book-publishing concern, a big one in town, only recently has discovered that the men who formerly did the mailing of that magazine over a portion of the month, I think about half of the month, could be given constant employment by some minor readjustment, so that they were able to do the mailing or something during the entire month, and it had cut out the laying off of a large number of men on that account.

Then we have the seasonal jobs, such as come in dress goods. I am more familiar with the book business, however. We have peaks, and from August to sometimes early into October in the school-book line, and in others from May to September, for fiction. We found that by studying that problem out that the rush seasons have practically disappeared. I remember one factory where there was a very large part of the staff kept engaged all during August and the early part of September in night work. The night work in that particular place has practically disappeared and the fluctuations in the number of employees owing to that seasonal demand has practically disappeared.

Again, the lay offs due to changes in machinery which throw people out of work.

There is one that we have here in Philadelphia that is even more insidious than those I have mentioned.

We will take a textile establishment that, running full, will employ 500 men. These figures are simply out of my head, and I don't want to give them as statistics, but simply as illustrating the point. We have a factory running full employing 500 men, or reasonably full. They hardly ever run reasonably full for any length of time, so that as a usual thing we will say there are 450 men employed; that there are 50 who are told to report each morning, or periodically, and it is only too true that in some establishments if those men fail to report they are taken off the pay roll; their names are kept there anyhow. That is carried on to such an extent that I have been told by one of the settlements where 400 men report regularly, that those men are incapable of continuous employment; that they have become so accustomed to working a few days, a few weeks, or a few months at a time, and then being laid off, that it gets on their nerves when they go to work as steadily as some of the rest of us are able to do.

At another mill I have asked the manufacturer whether he practices that in his mill, whether he carried more people on his pay roll than he actually needed, and he said "No; the way we do that is to carry the full complement and then lay them off at 2 or 3 or 5 o'clock in the afternoon, according to the amount of work we have." Of course the mathematics of that is exactly the same; results in just that same amount of virtual unemployment. Now, it seems to me that the Lawrence strike was caused by exactly the same thing, only on a tremendously larger scale, where this trust or this company built a larger plant than they could possibly use. Looked at from the broadest standpoint of economy, and they supported in that town more people than they ever did use, and a great many more even than they used at the peak of their load.

I have taken the shoe industry and tried to analyze briefly the fluctuations in the demand for men under five heads. The seasonal demand apparently runs—lay off runs from 8 to 6 weeks. The changing production policy, that is, the foremen and others will see that; well, it looks as if we are going to have overproduction, looks as though we have not enough for our men, or the opposite. That apparently is responsible for an average lay off of from four—from two to four weeks.

Employees' lateness, nominally, or laid off because of no material to work, two to five weeks, and variation in the class of product; that is, impossibility of making different kinds of work fit in advantageously, about half a week. That totals up 12 to 25 weeks in the year, and I think anybody who is familiar with the shoe industry—I am not, but I gathered from my interviews with people who are, and who will agree that that is a very fair statement of the average lay off of the average employee in the shoe industry in a year, from 12 to 25 weeks.

What does scientific management do to minimize that or cut it out? I believe the biggest thing it does is to look upon it as if it was not something imposed upon us by Divine providence. That is we take the hopeful rather than the pessimistic view, and feel that this intermittence of employment must stop, and that we must analyze the problem in its details to such an extent that by various measures, devices, and planning, various kinds of planning, we can reduce it.

The next thing is the feeling that in a given establishment, we will say, of 1,000 employees, we are going to operate that as nearly on the basis of an industrial family as it is possible to do it. The prosperity of each individual is the prosperity of all. I am not talking bunk in that. From the standpoint of the employer, who wants everybody to feel in a friendly way toward him, and he does not feel exactly the same responsibility toward his men, but I am talking now about the collective attitude of the employees of such an establishment, that it must be operated like an industrial family, and the moment you take that position the laying off of men becomes a very serious matter, and it is so serious that it practically should not occur except due to these great national periods of stagnation or depression in business with which even industries as a whole are unable to cope. In my own experience the best help has come from teaching people more than one thing. You take in the printing trades, the operation of pasting in bookmaking is one in which there are a great many thousands, I imagine tens of thousands, of people engaged pasting inserts in books and magazines. I doubt very much if you can find—I am sure you can not find five establishments in this country—I don't think you can find five where it is not a regular day to day, week to week, month to month practice of laying off pasters simply because a book may have no inserts in it or it may have 150. It is an item of work that fluctuates every rapidly, wide variations. The consequence is that you have it even in small establishments, you have a considerable corps of pasters, but all of a sudden your work may not run to pasting. The whole pasting force may be sent home and told to come back to-morrow morning or next Monday morning. We have found it perfectly easy to teach those girls to lay gold leaf, or sew, or gather, or do any one of the other things that require the same physical, the same sort of employees, so that if you have not the work or one kind you have it of another kind for them.

Educational assistance, such as the carrying on of school work inside the establishment, but more particularly the encouraging of their going to the regular night schools, other educational facilities that are provided by the public, so that it gives the employee a wider ability to tackle new things. That is the great handicap of those who are living down near the border line;

they have little imagination, they need help, and with a minimum of help to cope with different situations is rapidly increased.

Health conditions is another thing that cuts out the intermittance. I believe the factory nurse, when she is not used for spying purposes, but is used simply as one form of the administration of the business, is one of the best agencies for cutting out intermittance of employment, and even those establishments that are not able to support a factory nurse themselves, I know of one or two cases where half a dozen factories near together have combined to have a factory nurse, and those women get very deft at noticing the signs of trouble or threatened physical disability of any kind, whether brought on by the habits of the employee or by the character of the business.

Now, another important relief comes through the management throwing more financial support into this work of keeping people engaged. You have got to be ready to pay a bill every once in awhile for spoiled goods, because obviously if you are going to teach people to do new things, they are not going to be as adept when they start as they will be a little later on, and if you are going to fine people for spoiled work while teaching them, there is very little poetry to that, and you can not hope to do very much in this way. You have got to be ready to put in a certain amount of capital into storing work ahead. In the book business that is very important, because of great runs on school-book production that come almost exclusively in the summer months, and unless you can so finance yourself as to be able to print up ahead and have binding and folding and the different kinds of work ahead, you don't get this opportunity for giving people steady employment.

Now, you have got to spend money to hold people. You have got to literally make an expenditure to hold people. You can not afford to educate your people and take care of them properly over nine months, and then tell them to go off either permanently or for a three-months' lay off.

Another help, and yet in some lines this is almost fundamental, the lithographic line, it is fundamental, is on the selling end. You have got your secret price schedules of what you are going to sell for, and the printing industry in Philadelphia, they have a bund of printers that maintain a secret code of prices that they attempt to hold up to, no matter what happens, and it results in a great deal of work going out of this city which could be held here without any permanent reduction in either the wages paid to the men or either the prices secured for the printing. I have here a letter. I am sorry I can not tell you where it comes from, because it was sent to me without any regard to its being used here, but it is from a concern that manufactures over \$10,000 worth of shoes a year, in which they describe a special selling department, so that when there is a disposition to lay off men in any given department this special selling department places orders with them without any real customer at the time, and then uses this special agency for disposing of them both in this country and abroad, in order to keep their people engaged. This resulted in this, which I think is quite unique, that they have more than one shop where the variation in the daily output has not been over 1 per cent for years at a time. Obviously, under conditions of that kind, you can give men and women permanent employment.

Now, the relations of the selling end of the business to the manufacturing branch of the business, to my way of thinking, are on an absolutely wrong basis. The selling end, especially during the last 20 years, has gotten the whip hand, and their attitude is that whatever we sell you must manufacture, and they pour the orders in at certain seasons of the year and have a tendency to get grouchy if the manufacturing department does not keep up deliveries so that they are able to keep on and hold their customers and keep them in a good frame of mind.

Now, it seems to me the attitude, particularly the selling and manufacturing branches of the business, are parallel, and it is quite as important, quite as incumbent upon the selling branch to be able to sell at certain seasons of the year in such a way as to keep the manufacturing end engaged, as it is for the manufacturing branch to be always ready to respond whatever the demands may be on them by the selling end.

Routing: You probably heard a good deal about routing from other speakers in scientific management. Routing is the orderly passage of men and materials through an industrial plant. I have one instance of that in a lithographic shop, where one year they begin taking on girls in September, and they reached the peak, or largest number of employees, a few weeks before Christmas—not more than two weeks before Christmas. The next year we began by looking ahead on

our orders and seeing what they were and the work that was involved and planning out some of that work earlier. We were able to put on our—began, owing to our study, putting on our help in May and June, and we reached our peak early in October. Of course, we did not have anywhere near as many people engaged at that time, but those that we did have were engaged for longer seasons.

The last remedy for the intermittence of employment seems to be high wages and publicity with regard to the wages, and I am glad to say that we have quite a good many number of plants operating under scientific management that take the position that their pay rolls are absolutely open to anybody who cares to make a careful inquiry into them. And on that a further step that is now being worked out is a standard form of employment card for those engaged in scientifically managed shops, in which the quarterly and annual compensation of employees will be definitely stated.

Now, we all talk about minimum wages, but if Maud and Bill work this week and are laid off next week the importance of the weekly wage disappears, and what we are really interested in—what we are all interested in—is our annual income, and until establishments are so scientifically managed that the employers are willing to face what are the quarterly and annual and look at that income of their employees it seems to me we are going to have plenty of intermittence of employment.

Mr. BUSIEK. In speaking now of teaching employees to do different things, that is one of the schemes or one of the things that you do in scientific management?

Mr. COOKE. Yes.

Mr. BUSIEK. Does that apply as well to highly skilled professions as it does to relatively less skilled operation that you spoke of? For instance, could you find something to do for a machinist, for instance, or a highly skilled man, that would enable him to earn the same money at a time there was nothing to do in his particular craft?

Mr. COOKE. Well, are you referring now to a machinist as a type of the highly skilled man?

Mr. BUSIEK. Yes.

Mr. COOKE. Well, I can answer that. When I served my apprenticeship as a machinist at Cramps's shop we were all known there as vise hands, lathe hands, boring, mill hands, and floor hands, and if there was no work for the boring-mill hands at the time he was very apt to go home.

Now, in a properly conducted machine shop we are machinists or we are not machinists. We are men and we are taught to do pretty nearly everything that we have a capacity to do. Now, if you take a man digging ditches, and if you raise him and teach him how to run a drill press, you might get him up to the top, and some of them are able to go to the top, but the average man, of course, falls somewhere along the road, and he gets to the point where he realizes he is earning, we will say, 33 per cent more than he could earn working under conditions that were less scientific, and he simply wants to be let alone; he is happy, and he realizes that the helping hand has been handed him to the full extent of his ability to take advantage of it.

Mr. BUSIEK. What has been your experience in dealing with employees as to the relative advantages or disadvantages or combinations or unions of employees?

Mr. COOKE. Well, I feel very grateful that we have and have had in this country the mechanism of union and collective bargains.

Now, to be frank with you, in my experience, while I have never worked, that I remember, in a shop where we had not unions, I have never had any official relations with unions. That is, I have discussed problems that, I suppose, would be considered or that are union problems, but it has never gotten to the point, conditions were never such that they became the negotiations that you would call collective bargaining, which, as I understand, is practically one man on one side and a group on another. In other words, I have had the fortunate experience of working for employers who kept away from the line where they came up to the point of discussing things, an individual on one side and a body on another.

Now, as for the future, I can not help but feel that the time will come when collective bargaining will not have the important place in our society that it undoubtedly has to-day.

Mr. BUSIEK. Why is that?

Mr. COOKE. Because it is almost impossible for most people to picture a business where you don't have the employer on the one side and the men on the other. Now, I feel that the employer's importance in the industry—those in which I have been connected with—is very rapidly being minimized; that under functional management the employer himself is becoming very largely now—takes some one part of the business; either he raises the money, or he is the expert on the manufacturing side, or he is the man who looks after and controls the selling policy. And under scientific management, just because he owns the business, it does not mean that he knows it all. In other words, even if he directs the manufacturing side as his part of the business, it does not mean that his word goes on anything connected with the manufacturing side where he is not an expert. In other words, as I say, the management in industry is rapidly being taken out of the autocratic, or semiautocratic class—I want to withdraw that word. I am not referring to any particular disagreeable trait on the management's side, or the owner's side, but I am referring to that exclusive power of directing in business, whether he was trying to act along social or antisocial lines. I have seen, in my own experience, a man—a particularly aggravated type of man—where he passed in a very few years from where he was what the men call “the whole show” to where he performed a relatively small part of the direction of that business, and he enjoyed the change himself.

Mr. BUSIEK. Mr. Cooke, in your scheme of scientific management, does that depend upon the decency of the employer, or is that brought about by any policy that the men exercised as a whole or as a body?

Mr. COOKE. It is brought about, more than anything else, by the compulsion of facts, that under scientific management we solved questions by facts and not by anybody's opinion, whether it is the man who has the majority of stock in the business or the messenger boy; and everybody, from the top man in the management to the bottom man among the so-called employees, is forced to conduct himself as the facts dictate and not as his own personal whims or fancies may lead him.

Mr. BUSIEK. Have labor organizations any part in your scheme of scientific management, or have they any proper place in it, in your opinion?

Mr. COOKE. Why, as I tried to explain it a while ago, they never have had, in my own personal experience, because I have always been lucky enough to work with employers who kept ahead of them. That is about it. We have never done anything against them, and have many times assisted them, but it has not been the assistance that is ordinarily given in industrial establishments where there is a discussion on between employers and employees.

Mr. BUSIEK. Then what was to be done under scientific management is determined by experts who make a study of it rather than by the employer and employee getting together and deciding what ought to be done?

Mr. COOKE. It has never been necessary in my practice as consulting engineer in matters of management to settle questions that way. Now, understand, these experts come, more come from the ranks of the so-called men than come from the ranks of the office side of the business.

Mr. BUSIEK. Well, who hires them as an ordinary thing? Do the men have any choice in the selection?

Mr. COOKE. Well, in the beginning of the development of scientific management in the business, undoubtedly the party to the business that you call the employer does hire them. But, with the gradual introduction of rules and laws and scientifically determined precepts, more and more the selection of those men becomes a matter of the collective action of the men themselves.

Commissioner O'CONNELL. Mr. Cooke, as I understand, the Ford Automobile Co. of Detroit reduced its force somewhere in the neighborhood of four to six thousand people recently. If there was scientific management in vogue there, that would not have been necessary? Do I catch approximately your idea?

Mr. COOKE. Yes, sir; I gave the newspapers as my authority for that particular instance of a big lay off.

Commissioner O'CONNELL. Yes; now I will give you newspaper authority for the other side. On Saturday last I read a statement published by Mr. Ford himself, giving as the reason for the reduction of his forces the introduction of scientific management; that they had so scientifically managed their forces during the introduction of this new system of his during the past few months that they had been able to increase their output 33½ per cent, which made it possible for them to reduce their force and still keep up their same output.

Mr. COOKE. Well, do you believe that statement?

Commissioner O'CONNELL. I have given you the same authority you had, apparently, for your statement.

Mr. COOKE. Well, my experience with the method of development of methods of efficiency in an establishment that came as a result of experience is, that Mr. Ford nor nobody else is going in a few months' time to develop the efficiency of his business to the extent that would make it possible to lay off any considerable number of people.

Commissioner O'CONNELL. Well, we have had before us in the last two or three months approximately a dozen experts on scientific management.

Mr. Taylor, Mr. Emerson, and men of that standing, all of these men claim that by their efficiency system they can increase the production of a plant 33 $\frac{1}{3}$ per cent or more. Some of them gave it much higher—100 per cent. If a plant is employing 500 people, and it increases its output 33 $\frac{1}{3}$ per cent, and the business falls off, what is there to keep that number of people employed, when the product has increased beyond the capacity of the concern—beyond its normal business?

Mr. COOKE. Now, I can answer that in two ways. I think it will be impossible for you to produce a single case where the introduction of scientific management has resulted in the laying off of any people. It is a rule amongst the men, among the type of Mr. Taylor, and Mr. Gantt, and others that you have heard, never to lay people off, because we do not have work for them. Now, I will show you why that is absolutely necessary—that the same scheme of scientific management is based upon fair play and an absolute understanding as to the fair play on the part of both sides to it.

Obviously, if you are going to people and ask them to improve their methods, to cut out unnecessary motions, and to live up to the law and in that way become more efficient, and if after they become so you are going to lay them off, you have killed the goose that lays the golden egg, because you do not have to do that. Just like giving piece work, you do not have to do it but once for the whole establishment to understand it. And one of the first questions we ask our clients is, "Is your business in such shape that it can be increased? Can you do more business? If you have, for instance, a business of a million dollar, if you want us to come in and do away with a third of your people that you have now, we are not interested, because it is unthinkable, and you can not do it. But if you have the capital and the market and everything else, so that you can double that business and share this prosperity with these people who are working with you now, why, we are willing to undertake it."

Commissioner O'CONNELL. Well, then, it must carry with it, as it reduces the cost of the output, it must also carry with it increased business?

Mr. COOKE. Absolutely.

Commissioner O'CONNELL. If that does not come, then it must cause reduction?

Mr. COOKE. Absolutely; and we have on more than one occasion, our men have, withdrawn from plants. I have one case in mind where the work of introducing scientific management was stopped twice by the management because, for some reason which I don't have in mind, that opportunity for increasing the product was not there.

Commissioner O'CONNELL. Now, upon your idea of scientific management, what is the workman's share based upon? Now, if he increases his output 33 $\frac{1}{3}$ per cent, what does he get for it?

Mr. COOKE. Well, when you get down to the statistics of wages, I do not pretend to be an expert. This is the rule on which I have always worked, that you can determine within 50 cents or a dollar what a workman's market is. Now, we have always insisted that they give a minimum of a third more than that. In other words, Mr. Taylor some years ago carried on a long series of experiments, and tried to determine what was the proper bonus or increase in the man's normal wage-earning power that should go with certain classes of work. His figures ran all the way from a third, in work such as that of a machine shop, to 100 per cent in such work as that of a puddler or heavy steam-hammer work. Those were the best figures he could get at, and I suppose Mr. Taylor would say, if any man wanted to carry on a more extensive series of experiments, and he would be glad to see it done, and would adopt the new figures.

Commissioner O'CONNELL. Mr. Taylor said that under his plan the employees received, and the record showed, 33 $\frac{1}{3}$ per cent increase over their daily record. Now, the question is, who establishes the daily rates? Is the employer also to set that arbitrarily as to what amount shall be the workman's

minimum daily rate of wages, or is the employee to have something to say as to what the rate shall be?

Mr. COOKE. Well, I will say that we have always kept so far away from that danger line, where the man wanted any say in it—now, understand, I am not being dogmatic about this, and if there is any virtue—I recognize the value of collective bargaining in over 99 per cent of the industrial field to-day. I feel that in the 1 per cent that is scientifically managed that that opportunity is not there to-day. Now, it may come in the future, and it may entirely disappear.

Commissioner O'CONNELL. Don't you believe that—

Mr. COOKE (interrupting). Where there is any unrest, where there is any desire on the part of the men to know how their rates were arrived at, go the hilt to appease them. There is one concern where I have done some work, and at every workman's place there was a blue print posted that shows why those wages—the payment for his wages is made up as it is; and I am sure that that concern is just as anxious as he is to prevent any injustice creeping into that, or any mistake. And anybody, individually or collectively, or any group who may want to, can make inquiry; and access to the reason ought to be made just as easy as it can be made, because the trouble is that the men don't inquire enough.

My experience is that workpeople are altogether too docile. That they have been taught by long training to be so.

Commissioner O'CONNELL. You have read and probably heard of Mr. Brandeis's opinion upon scientific management of things, the saving of waste, and all that kind of thing?

Mr. COOKE. Yes, sir.

Commissioner O'CONNELL. He is taken as quite an authority on the subject. Mr. Brandeis said before our commission that unless there was first organization on both sides scientific management would fail absolutely.

Mr. COOKE. Well, I feel that those of us who take an interest in its development must keep their eyes and early wide open for any such danger as that. But I am giving to you, as my honest experience, that in the establishments I have been connected with collective bargaining was not necessary.

Commissioner O'CONNELL. Do you suppose that this would come to pass under scientific management—we will cite a case of an industry without organization, where an arbitrary rate of day wage is set upon which is based the higher earning capacity, say, 33 $\frac{1}{4}$ per cent; assuming that the daily rate is, say, \$3, then his earning is \$1 a day more, which makes his earning \$4 a day under this plan. The business becomes a little slack and the employer has, of necessity, to reduce his force, or the employee quits, or he is discharged, or one thing or another; what is there to prevent that employer from hiring the next man and insist that \$2 shall be the daily-wage basis, that would mean his getting \$2.66, with the increase of 33 $\frac{1}{4}$ per cent because of his increased production. Now, what is there to prevent that thing from happening, except that the employees organize on the side to meet the employers on the other, and to see that that sort of injustice does not exist?

Mr. COOKE. Well, my answer to that is, that it might be done for some good economic reason, in which the employees as a class, the wage earners as a class, profit by it, as much or more than the employer. Unless it was done for a good economic reason, unless it was made fairly clear to the employees of that establishment as to the basis on which it was done, scientific management goes out of the door; because you can not have cooperation and practice the bare thing that you describe there for the motives that you assign to it.

Commissioner O'CONNELL. Well, do you think that you can have efficient cooperation with the say of the proposition all on one side?

Mr. COOKE. Well, I have tried—

Commissioner O'CONNELL (interrupting). The employer having all the say and the employee none?

Mr. COOKE. Well, I have tried to explain that I am doing all I can—I will put it another way. I have tried to explain that the management more and more under scientific management of an establishment is getting away from the man who owns the business. I can give you any number of cases where the man who owns the business can not go into his shop and have done what he wants done in there; and scientific management fosters that and protects the workers where a man wants something done that is not scientific. Now, understand, this is a new thing. It is being developed. I can not see that all the work that may be in the back of your head as to suspicions as to these features

may not be there; and safeguards that we now do not dream of may have to be erected. But to-day the cooperative spirit is working out in numbers of establishments and raising the moral, physical, and general well-being of the employer and employee alike.

Commissioner O'CONNELL. There are a great number of forces working in that manner?

Mr. COOKE. Yes; but I mean the forces inspired by scientific management outside of the general uplift that we find—

Commissioner O'CONNELL (interrupting). I think scientific management is introduced in only a few establishments as compared with the total, so that it is only a fly speck, you might say, although, as you say, it has been going on for some time, for Mr. Taylor has been dealing with the proposition 35 years, I understand.

Mr. COOKE. Yes; I only claimed less than 1 per cent.

Acting Chairman WEINSTOCK. You offered, Mr. Cooke, as one of the remedies for unemployment, the idea of teaching workers to do more than one thing in the industry—making them as nearly as possible all-around people. Now, would that, or would that not, lead to this: That teaching of people more than one thing, would that not mean that you, so to speak, give 50 people full time instead of giving, say, 100 people, part-time work?

Mr. COOKE. Well, of course, you have stated an extreme case. I feel that there is a limit to the amount of business that you ought to do. That is, a business can grow too rapidly; that is, if you get an opportunity to double your output and double your staff, that you ought not to do it, that it may become an immoral thing to do, if that means in the long run that you may not be able to keep your people pretty steadily employed. Now, again, if you do too much—if this business of taking people off the work where they are specialists and expert, and putting them on to other work is done too freely it very soon will result in an abuse which is one of the very worst that labor unions are fighting.

Now, before I committed myself to this business of teaching people more than one thing, I satisfied myself, through discussing it with labor-union authorities, that there is absolutely nothing in it that offends the spirit of labor unionism. I do not mean to say that I would not have done it necessarily if it had, but, as a matter of fact, I find there is no objection to it, if it is not used as the means of permanently forcing wages down. If it is done with the motive of keeping people employed and of making an establishment prosper and sharing that prosperity with the men, nothing in labor unionism is opposed to it.

Acting Chairman WEINSTOCK. Well, then, this idea of teaching more than one thing, under that view of it, would have to be taken with a great deal of qualification?

Mr. COOKE. With a great deal of caution.

Acting Chairman WEINSTOCK. It could not be put into practice generally?

Mr. COOKE. But if your establishment is scientifically managed, it means that the output for those who are qualified to do any kind of work is so much greater than that of those who are neophytes, just being trained to it, that there is not much temptation to do it, and they are merely trying to do it, just to benefit the employee and give him work when there is nothing for him to do.

Acting Chairman WEINSTOCK. As an advocate of scientific management, Mr. Cooke, I suppose you take the ground, naturally, that the addition to the standard wage to be paid to the worker is received in the form of a bonus, or premium, and a share of his increased output. Isn't that it?

Mr. COOKE. Something of that sort. He gets it right away and without waiting until Christmas to see what it is.

Acting Chairman WEINSTOCK. In addition to the standard wage?

Mr. COOKE. Yes, sir. It is something that he is directly interested in.

Acting Chairman WEINSTOCK. That is, something in the nature of a bonus or premium, or a plus over his wages?

Mr. COOKE. Well, a differential rate, or it may take half a dozen forms.

Acting Chairman WEINSTOCK. Well, now, the criticism made against this system by organized labor, as developed in our hearings here and elsewhere, is that they fear two things: First, that scientific management may wipe out unionism; secondly, that the system is subject to abuse and may lead unfair employers to speed up their people after once getting them interested in it under certain representations, then speeding them up and absorbing this increased productivity. As against that Mr. Brandeis pointed out, as my associate, Mr. O'Connell, has stated, that to prevent those two things there should be organization on both sides, and that in the fixing of the bonus, in the fixing

of the premium, in the fixing of the working conditions labor should have an equal voice with the employer.

Now, what are your criticisms on Mr. Brandeis's suggestions, if you care to make any?

Mr. COOKE. Well, now, I am glad that the workingmen fear this thing. The fact that scientific management grows slowly is a good thing. It is growing, if anything, too fast. I am glad the men fear it, because in every shop I have been in the men are right on the watchtower for the first evidence of double-dealing, and that attitude on the part of the workmen, which has been very largely fostered and properly so, I think, by the labor unions, is one of the reasons why we have not more industrial abuses than we have.

As far as collective bargaining is concerned—or, rather, as to this arrangement suggested by Mr. Brandeis—I once again repeat that it has never been necessary, from my standpoint—I should say from my practice or experience. But I see absolutely no objection to it, if it does become necessary, because if you have scientific management in an establishment you have your men in the frame of mind that scientific management implies—the cooperative spirit. They are not going to impose conditions; they are not going to lower the efficiency of that establishment. I am using efficiency there with a big E; that is prosperity for everybody. But personally, I am down on committee management. I believe one man is better than a committee any time. Now, there is no objection—when I say one man I do not mean the one man that owns the business, but I want the messenger boy to have his authority, and nobody in that establishment, as long as he is obeying the rules and laws of that establishment, can compel him to transgress them.

Now if, in the matter of fixing wages, your committee management becomes necessary in order to guard against this abuse that you have named, let us have it. But the less committee management we have in this world the more efficient it certainly will be for everybody.

Acting Chairman WEINSTOCK. Now, you realize, of course, from experience, that organized labor does look with disfavor upon the introduction of scientific management. It may look upon it with disfavor from a just cause or through ignorance; but at all events it does look upon it that way, and as a consequence unionists are brought into it unwillingly rather than willingly. Now, is it not a fact that it would be better to have them come in willingly, or would the price of that be too great if it could be had only upon the two conditions of providing for collective bargaining and an equal voice on the part of labor with the employer in fixing the bonus? Wouldn't that make union workers willing workers under the system rather than unwilling?

Mr. COOKE. Well, again I have to say that I can not conceive of a man being an unwilling worker under scientific management; not having had it in my experience, I can not picture it.

Acting Chairman WEINSTOCK. Well, there has been testimony before this commission, Mr. Cooke, to the effect that at the Government arsenals, where the system is introduced, where the men are unwilling workers; that is, they are opposed to the system. We have abundant evidence to that effect, indicating that they work under the system not because they want to, but because they have to or lose their jobs.

Mr. COOKE. I know a good many of those workers, and it is to me almost unbelievable—practically impossible for me to believe that that is so.

Acting Chairman WEINSTOCK. That is the testimony on record here from the representative of those men to the effect that petitions have been signed—I don't remember—

Mr. COOKE (interrupting). That is a different thing; that is a different thing. Now, if I am a member of the union—I am glad the unions are watching this thing. Union men are coming into it just as fast, in my opinion, as they should come into it; and there is nothing going to be gained by materially accelerating their taking over of these ideas. The big mistake will be to go too fast. Now, I have one man I am in day-to-day association with, who is at the head of a union of 18,000 men, and he is praying for scientific management; he is praying for the opportunity for himself and his men to be efficient. And he says the thing that in this particular group of workers is their biggest obstacle, is that they are not allowed to be efficient by their employers. So if I was a member of a union that had taken a position antagonistic to scientific management, and was asked to sign a paper, I think I would sign it. I am sure I might, because I would be a good member of the union, or try to be; but privately I could still entertain my own ideas.

Now, in the same way I am willing, if Mr. Brandels and all the other men who view this thing in a large way, say that collective bargaining is an absolute essential to the further development of the industry of this country, I would be disposed to go along with them. At the same time, I would hope that it would never become necessary for me to do it in my own business, simply because I hope that the people I am working with will keep so far away from the proper demands of labor that it never becomes necessary.

Now, you can not keep up a useless institution, that is to say, I will go along on this basis of collective bargaining, and we are going to have a meeting every Friday morning of a committee of the men and a committee of the management; and if there is nothing to be arbitrated, or decided by that body, they won't meet and you can't make them meet. If I sent garbage collectors of this city through an alley every day, ordered them or gave them instructions to go through there six times a day, and they only found garbage there on Monday, you can not force them to go through there Tuesday, Wednesday, Thursday, Friday, or Saturday.

Commissioner LENNON. What have you to say to the question of the general wages paid in a machine shop, say, where scientific management has been put in, and, as the testimony before us has shown, that a few get larger wages because of no organization in the shop, and the general average of wages was less than in a union shop, and they still remain less than a union shop, although a few have the bonus because of the scientific management being applied to their particular work? There is a cause—there is the prime cause of the three cases I have investigated which made unrest in scientific management shops. It was applied only to a few people?

Mr. COOKE. Well, I don't know about the shops that you refer to, because I don't know of any shops where scientific management can be said to be installed where there is less than 70 per cent of the workers who are what we call bonus or differential people.

Commissioner LENNON. That is not true in the Watertown Arsenal, for instance?

Mr. COOKE. You mean the average of the entire establishment or of the machine shop?

Commissioner LENNON. The average of the entire shop?

Mr. COOKE. I would be interested to know what the percentage of bonus workers in the shop is.

Commissioner LENNON. About 40 per cent in the machine shop, and 55 per cent, if I remember correctly, in the molders' shop.

Mr. COOKE. Now, there is a possible answer. One of the big difficulties in introducing scientific management is, that the time comes when the demand from the men for premiums, or task work, as you call it, is greater than the management is able to keep up with, and the big mistake is in yielding to that demand. It is a great deal better to start in and have at the end 10 per cent working on a bonus on rates that have been scientifically established and then add to that number as you can scientifically establish them rather than to yield to this demand for quickly putting a whole lot of people on that basis. That is too much like the old-fashioned piecework. That would be a good deal like one case a year ago, where they put 40 per cent on, and after the management had worked on that basis for a few months, it discovered that the rates either were absolutely too low or absolutely too high, and in one case the man will either get a raise in wages or will quit, and in the other there is a cut; and in either case it is bad.

Acting Chairman WEINSTOCK. Now, something else, Mr. Cooke. Imagine that I, as a large employer, should send for you and say, "Mr. Cooke, I have been conducting a nonunion shop without scientific management. I have become a convert to Mr. Brandels's ideas, and now make—"

Mr. COOKE (interrupting). Would you as soon refer to Mr. Taylor's ideas, because I know definitely what they are?

Acting Chairman WEINSTOCK. Well, the ideas that I have expressed as the ideas of Mr. Brandels?

Mr. COOKE. Oh, you mean collective bargaining?

Acting Chairman WEINSTOCK. I have become a convert to Brandels's ideas, and I propose first to unionize my shop and then to introduce scientific management and to give my labor a voice in a fixing of the bonuses and the premiums, and I want to enlist your services and introduce the system in my shop. What would be your attitude on that?

Mr. COOKE. Well, I would probably work for somebody else, because I want to make my work count and not work under any more difficulties than I can help. Now, I had a proposition like that from a well-known New England railroad, and their proposition was this: We will set aside for you a roundhouse, I think it was a roundhouse, and you can be the absolute dictator in that roundhouse, and show us what scientific management will do for you. I don't have to make my living that way. All of the old foggy managers of that road and the disgruntled workmen, all the people that have got a grudge on both sides of this problem, would consider it a circus to make your life miserable introducing scientific management. And I don't blame them. I would do exactly the same thing. So I am going to put in the rest of my days in places where the conditions are reasonably favorable, because, favorable as they may be, it is a tough job to change a management. We have no trouble with the men, but to change the management from the point where they want to settle everything by what they think about it and what they feel about it in their opinions and whims, to change them from that point to where they are willing to take the same attitude the men do and do the thing according to law, you have got your work cut out for you.

Acting Chairman WEINSTOCK. Well, in this particular case you would say to me, "Well, I am very sorry, Mr. W., but I am not interested in your proposition"?

Mr. COOKE. I would be more interested in others. I think I could do more good working in places where the conditions are a little different. If you would put it in a little different way and say I want you to come in and put in two or three years of work up to the point where you can practically unionize our men and then bring them in where they want to be brought in, I will say bully, I will be with you.

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Mr. BUSIEK. Does any part of the work call for an unusual eyestrain for instance?

Dr. LANDIS. The only condition we encountered which seemed to be directly associated with the occupation itself was a chronic inflammatory condition of the eyes. Chronic conjunctivitis was encountered in 43 of the 402 males, and 30 of those thus affected were pressers. The great frequency of this condition among pressers is apparently due to the character of their employment, as the frequency of inflammation of the eyes among the pressers is sixfold greater than in those otherwise employed in the industry.

The greater liability of the pressers seem to be due to one of three factors—the heat of the iron, the vapor which arises from the dampened cloth, or the fumes from the gas which is used to heat the irons.

In answer to the question, Is the garment-making trade one that of itself is an occupation which is inimical to health, we are forced to conclude that it is not. For the past two years a night tuberculosis class has been conducted at the Phipps Institute. This class was formed principally for the purpose of seeing whether garment workers who had returned from sanatoria or who had had to continue work while continuing their treatment, could follow this trade without breaking down. As a result of this experiment, it can be said that such individuals can follow the trade of garment making, providing they live under suitable hygienic conditions.

In conclusion we would like to call attention to the necessity in the study of any occupation of taking into consideration all of the factors which may lead to the deterioration of the individual's health. In some instance, exposure to lead and phosphorus, there can be no question as to the direct relationship which exists between cause and effect. On the other hand, there are many employments which are credited with being bad, but which in reality are not, much of the evil that is associated with them being the result of contributory factors which are not directly connected with the work itself. And to this group the garment-making industry seems to belong.

Mr. BUSIEK. The clothing trade, as carried on in Philadelphia, is work done chiefly in the shops, or is there much home work?

Dr. LANDIS. There is some home work. I don't know just how much. The majority is done in the contract shops.

Mr. BUSIEK. What in your opinion is the best place for this work to be done, in the home or shop?

Dr. LANDIS. I don't think it ever ought to be done in the home.

Mr. BUSIEK. Why?

Dr. LANDIS. Well, you can control the conditions in which the clothing is produced if you have the right sort of factory and the right supervision, but the difficulty of controlling a large number of home workers and the conditions under which they produce the work is very difficult.

Mr. BUSIEK. According to your statement which you made a few minutes ago, there is much to be desired in the factories in the matter of ventilation and light and cleanliness?

Dr. LANDIS. That is in the so-called sweatshops.

Mr. BUSIEK. In the sweatshops?

Dr. LANDIS. I mean in the factories that are properly inspected and made to conform to the ordinary requirements of cleanliness as to a daily sweeping out and in proper conditions so that the dust is not deposited over everything, but is cleaned up every day. I think it is much better to produce it there. You take the making of white goods, for instance, such as shirtwaists that are made of silk or fine linen; there everything is scrupulously clean, for the simple reason that they can not afford to keep the shop dirty and allow the goods to get soiled, otherwise they have to be laundered, and that laundering adds to cost of production. And there is no reason, to my mind, why a ready-made clothing factory should not be just as clean as a shop in which ordinary white goods are produced.

Mr. BUSIEK. Did you go into the matter, or did your commission or investigation take you into the home life of these employees?

Dr. LANDIS. I think that perhaps is the most important part of the whole study and was really the one I was most interested in in starting the entire work. As I said, Miss Reed did that work at a time when the workers, usually the entire family, were at home, being generally between the hours of 6.30 and 10.30 at night and on Sundays and Saturday afternoons. All of that work comprised a so-called health card which includes some 52 questions which relates not only to the height and weight of the individual, the measurements

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before me, which I can afford, nor can I sleep with any degree of comfort in the expensive bed that I own, such as my ancestors never dreamed of."

This fellow traveler of mine said to me, "What value is it to be able to earn more money if you do it at the expense of your body physically?" He said, "The way I live here I am good for 25 or 30 years, whereas my friend will be on the scrap pile in 10 or 15 years, at most." What I want to get at, as the result of your experience and investigation, is this: Is this case that this man cited to me an abnormal or exceptional case, or is a normal condition with the pressers in the clothing trade?

Dr. LANDIS. I can say that that involves some knowledge of the Russian characteristic of those people. While the majority of them are Russian Jews, there are enough of the Italians and of the other races to enable one to make a comparison, and the Italians, with all their so-called excitability, are a very easy working class—easy workers—and his ambition is bounded by a very low estimate. Small savings which will enable him to return to Italy, perhaps, at some near day—a matter of \$1,000. He is not breaking his neck doing his work, but every one—

Acting Chairman WEINSTOCK. That is, he does not lead the strenuous life?

Dr. LANDIS. He does not lead the strenuous life, but every one—not every one, but certainly a very large number—of those Russian Jew workers are possessed with a desire to get out of that sweatshop, to get one of their own; get a small shop of their own.

Acting Chairman WEINSTOCK. Ambition?

Dr. LANDIS. Ambition. And they drive themselves to the breaking point in order to get money enough to start a small shop of their own, with two or three people, who may then drive—they may drive—and that is the evolution of not a few of those large and prosperous ready-made clothing establishments. They have evolved in that way, and not everyone succeeds; heaven knows how many of them there are that just break themselves down making the attempt. The Lithuanians are magnificent specimens physically, but they are rather phlegmatic. They, too, are not—

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Commissioner O'CONNELL. Who passes upon wages and hours of labor?

Mr. BLANKENBURG. That is fixed by the act of the councils. Some are fixed by an act of the legislature, as, for instance, the salary of the mayor, the directors, and others; but the wages paid are generally fixed by the act of the councils.

Commissioner O'CONNELL. What is the connection of city officials with the public-school system?

Mr. BLANKENBURG. We have at the present time no connection. Two years ago an act was passed by the legislature making the schools an entirely independent body who receive one-third of the tax rate, which is \$1.50; they get 50 cents. And they can borrow money to a limited amount, and they are doing that. They are entirely separate from the city government to-day. They are not dependent upon any appropriations by councils or any other party.

Commissioner O'CONNELL. Is there a special board that handles licenses of various kinds?

Mr. BLANKENBURG. The liquor licenses, you mean?

Commissioner O'CONNELL. Well, the liquor licenses are one kind.

Mr. BLANKENBURG. Liquor licenses are granted by a board of judges. They have a hearing before a board of three members, and they grant the liquor licenses. And the licenses for other things are subject to the approval of the mayor, and I have to sign a great many, sometimes very little needed, papers.

Commissioner O'CONNELL. But there is some sort of a board that handles the licenses of vendors, storekeepers, and all the various licenses that are granted in the city?

Mr. BLANKENBURG. Yes, sir.

Commissioner O'CONNELL. There is a board that handles those?

Mr. BLANKENBURG. I think the vendors of different articles have to have licenses from the department of public safety. That is out of my province, and I am not quite sure, but I think it is the province of the board of public safety.

Commissioner LENNON. Mr. Mayor, how are grievances handled of this character, for instance: Suppose a man is discharged and he feels that he has been unjustly dealt with. Where would he make an appeal to have his grievance heard?

Mr. BLANKENBURG. Well, there are various ways in which that can be done and is done. Sometimes a man who thinks he has a grievance will go to court and submit his case to the judge of the court; and in several instances a man who has been discharged has had to be reinstated because the court, in its wisdom, decreed there was not sufficient cause for the discharge of the man. In the police department, under former administrations, the parties who were accused of dereliction of duty, or whatever it might be, appeared before a police board consisting of a captain or lieutenant and two sergeants, perhaps, and their cases were heard behind closed doors. In other words, the public was not admitted, his friends were not admitted, and that was all there was to it—behind closed doors. And that is one of the changes and one of the reforms we initiated the first week that I entered office. Everybody has an open hearing now before the police department, and everybody gets a square deal. Formerly there would very often, when some one had a grievance against a man or he did not do exactly as they wanted him to, it was the easiest thing in the world to trump up a charge, and then behind closed doors the man had very little chance of getting justice. But now the public is admitted, and everybody can go and attend the hearing.

Commissioner LENNON. Well, is there any appeal from the action of this board? Could they appeal to the mayor—to you, for instance?

Mr. BLANKENBURG. No.

Commissioner LENNON. There is no appeal?

Mr. BLANKENBURG. I have to sign the judgment of the court; the director of public safety has to sign; and it has to be approved by the mayor; and I want to say here, as I think it is interesting, that the cardinal sin which I will not forgive on the part of a policeman or fireman is intoxication while on duty. They have to go overboard without any mercy.

Commissioner LENNON. I agree with you in that. What relation does the city government bear toward the employees of the public utilities like the public lighting and street service?

Mr. Blankenburg, has the city government any relation that gives them power or control in any way over the employees of these public utilities?

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Mr. BLANKENBURG. As to the street cars, the Philadelphia Rapid Transit Co. has a board of directors, and the city has three representatives on that board of directors. I am one of the members of the executive committee. I attend all the meetings when I am in the city, and the other directors attend the meetings of the general board of directors, so that the city keeps a pretty good eye upon what is going on in the street-car service of Philadelphia.

Commissioner LENNON. Well, would you have any power—suppose the board of directors, which I apprehend has a majority of the board that do not represent the city but represent the corporation, suppose they were to make some radical change in the hours of labor or in the wages, would the city have any power whatever to intervene?

Mr. BLANKENBURG. No; we can only use common sense in our arguments, and we have had no trouble at all, because the management of the company is in excellent hands and very progressive.

Commissioner LENNON. How about other public utilities?

Mr. BLANKENBURG. As to electric lighting, we have nothing to do; no authority whatever; all we ask of them is to bid. Sometimes when the bids appeared too high I have sent for the president of the company, and he has voluntarily made a reduction. You can catch more flies with honey than with vinegar.

Commissioner LENNON. Now, about the civil-service examinations, are they made in such a way that they are applicable to the job that the man is to hold?

Mr. BLANKENBURG. Yes.

Commissioner LENNON. Or do they embrace a lot of theory not applicable to the job?

Mr. BLANKENBURG. No, sir; absolutely applicable to the job for which he is an applicant. It is not a general examination for any kind of a position.

Commissioner LENNON. What wages does the city pay the laborers?

Mr. BLANKENBURG. \$2 to \$2.25 and \$2.50. That comes under the department of public works. It is between \$2 and \$2.50.

Commissioner LENNON. And they have the eight-hour workday the same as everyone else, do they?

Mr. BLANKENBURG. Yes.

Commissioner LENNON. Have there been a large number of unemployed in this city during the last two or three years? I mean more than normal number—what would seem to be an average number?

Mr. BLANKENBURG. I went to the trouble early in January of this year to write to perhaps 50 of our principal business institutions, such as the Baldwin Locomotive Works, the Cramp shipyards, the Disston sawmills, Stetson's hat factory, and others, asking them to let me know the difference between the number of employees in the business as it was in January, 1914, as compared with January, 1913, and the replies—that is, the average replies I received—were quite satisfactory. There were some establishments who had lost a good deal of business, while on more they were fairly well engaged; but that was owing to the fact that they were working on orders placed last year—last fall. You know orders are placed in the summer for delivery the next spring, and so on. I have not had opportunity to inquire since, but we have not had nearly as hard a time, as far as I can learn, as we had in 1893, after the great panic. Then we had to establish soup houses and everything of that kind to keep people from real suffering. I ascribe the reason why we have heard comparatively little of acute suffering or even general suffering to the fact that our working people in Philadelphia are a very excellent set. They have saved money when they could save money, and they have something to fall back on. In other words, it would take quite a little while before there was any acute suffering; and they are very proud. They do not want to ask for any relief, or ask for any aid until it is absolutely essential and necessary. We have perhaps as fine a body of working people in Philadelphia as you can find anywhere in the world.

Commissioner LENNON. Do you know approximately as to the nationality of the citizenship of Philadelphia? Are they still American as they were 20 or 25 years ago, or have they changed materially?

Mayor BLANKENBURG. Well, they have changed in some respects. Twenty or twenty-five years ago we had very few immigrants from the southern part of Europe, from Italy, and from Greece, or from the eastern part, from Russia. There has been a change. There are to-day fewer immigrants really, very largely from the northern part of Europe, than there were 25 and 20 years ago, and that has changed somewhat the employment of the people. The English, and the Irish, and the Germans, and the Norwegians, and the Swedes,

and the Dutch, as a general thing, were of a more intelligent class, and that is best shown by looking at the United States census when you consider illiteracy. There is very little illiteracy among those people, while there is a very large percentage among the people who come over of late. But it must also be said in their favor that they are trying the minute they arrive and set foot on our soil, they try to improve their conditions, to learn and to become good American citizens; that is, the vast majority of them.

Commissioner O'CONNELL. Have the authorities of this city ever considered the possibility of furnishing employment from public improvements when there was a surplus of labor in the community?

Mayor BLANKENBURG. Well, unfortunately, when there was a surplus of labor there generally was a dearth of money in the city treasury.

Commissioner LENNON. Well, that may be overcome some day. It has not been done to any great extent, then?

Mr. BLANKENBURG. No, sir; not to any great extent, simply because of the reasons I have stated.

Commissioner LENNON. Do you know whether the public-school system of this city is doing anything in the way of vocational or industrial education?

Mr. BLANKENBURG. Yes, sir; the public schools, under the superintendence of Dr. Brumbaugh, has done a good deal for years in that direction, and he is so imbued with the idea that that is one of the advances we must resort to to keep pace with the rest of the civilized world. We have industrial schools. We have schools where they teach all kinds of handiwork, and we are getting more and more of them, because it appeals to the common sense of our citizens.

Commissioner LENNON. Are there any schools where the boys and girls, or young men and young women, who are in industry, can spend part of the time in schools, or go to night school, and get additional education?

Mr. BLANKENBURG. Yes, sir; I am very glad to say that Philadelphia is preeminent along that line. We have the Drexel Institute, started by Anthony J. Drexel, founded in 1891, in which there are 4,000 or 4,500 young people receiving instruction of all kinds, the handicrafts, in housekeeping, and everything at which they may be able to make a living if they are properly trained.

Commissioner LENNON. Take a young boy or girl, say, 14 or 15 years of age, that has only gone to the fourth grade in the grammar school, or, perhaps, to the fifth grade, do the schools provide continuation schools where they can get further education while at work in night schools or day schools?

Mr. BLANKENBURG. Yes, sir; they can in the night schools.

Commissioner LENNON. Following the ordinary curriculum of the schools?

Mr. BLANKENBURG. Yes, sir; we have night schools all over the city.

Commissioner LENNON. What scope—where any young people may attend who desire those advantages?

Mr. BLANKENBURG. Yes, sir.

Commissioner LENNON. That is all I have.

Acting Chairman WEINSTOCK. You were telling us, Mr. Mayor, that you had a very serious railway strike in Philadelphia in 1910.

Mr. BLANKENBURG. Yes, sir.

Acting Chairman WEINSTOCK. That led to a great deal of trouble?

Mr. BLANKENBURG. Rioting and bloodshed and losses of money.

Acting Chairman WEINSTOCK. I take it, perhaps, you are aware of the fact, as we all are, that in the management of public utilities all over the country there have been very serious strikes, strikes in connection with street railways, strikes in connection with lighting companies, strikes in connection with water companies, and so on, down the line of public utilities.

Mr. BLANKENBURG. Yes, sir.

Acting Chairman WEINSTOCK. Is it your opinion, Mr. Mayor, as a result of your observation and your experience, that those labor disturbances in connection with public utilities could be minimized by the public ownership of public utilities?

Mr. BLANKENBURG. There is nothing prettier in theory, to my mind, than the public ownership of utilities; but under present conditions, as far as the general public is concerned, and the idea of the general public, I think it would be a great risk, because the first thing that, to my mind, would result would be politics interjected for the benefit of one party or another party; and I think, for that reason alone, the public ownership of utilities ought to be deferred until our citizens are educated to a higher thought of civic duty.

I have given that matter a good deal of thought, Mr. Weinstock, because it is a very important question; and if you compare what is done in Europe in

regard to that, you will find that it can be done where there is a semiautocratic government, but in our country, where everybody is a king himself, would require, to my mind, a little more education before we should take up the question of owning public utilities.

Acting Chairman WEINSTOCK. In other words, your idea, Mr. Mayor, as I understand it, is that we first want to straighten out our political methods?

Mr. BLANKENBURG. Yes, sir.

Acting Chairman WEINSTOCK. You have a civil-service system in connection with your municipal affairs, have you not?

Mr. BLANKENBURG. Yes, sir.

Acting Chairman WEINSTOCK. And you have the nominating primary here?

Mr. BLANKENBURG. Yes, sir.

Acting Chairman WEINSTOCK. You do have that?

Mr. BLANKENBURG. Yes, sir.

Acting Chairman WEINSTOCK. Do you have nonpartisanship ballots in your elections? That is, are candidates for municipal offices nominated for office, or do they come out independently?

Mr. BLANKENBURG. They come out independently, as I did, three years ago, when I was a candidate for mayor.

Acting Chairman WEINSTOCK. They can?

Mr. BLANKENBURG. Yes, sir. I was a candidate of two or three different groups of citizens—the Democrats, the Keystone Party, and I think there was one other party, and as far as the nonpartisan ballot is concerned, we have that, so far as it relates to judges. We had an election here last fall, when we elected. I think, nine members of the bar as judges of the municipal court. It was a nonpartisan ballot, but it was doctored in such a way by the powers that be that it was an absolute farce. There was no nonpartisanship about it, and unfortunately, as I have said, and that is what I want to emphasize regarding the public ownership, there were 44,000 people, electors, last fall, who went to the trouble to go to the primary, went to the trouble to register and to show their qualification as electors, 44,000 of them did not go to the polls in November. They went to the greater trouble and they avoided the lesser trouble, and, until we can make our people see that it is every man's duty, if he is qualified to vote, to go to the polls and do so, there would be very little in our trying to own public utilities in the city, State, or Nation.

Acting Chairman WEINSTOCK. In your municipal affairs do you have the recall and the initiative and the referendum?

Mr. BLANKENBURG. No, sir. I sometimes wish we had the recall.

Acting Chairman WEINSTOCK. For your information, it may be of interest for you to know that the city of San Francisco, where I happen to live, is an object lesson to the sister cities of America.

Mr. BLANKENBURG. I know all about that.

Acting Chairman WEINSTOCK. We have public ownership of some of our public utilities.

Mr. BLANKENBURG. Yes, sir.

Acting Chairman WEINSTOCK. The city of San Francisco runs the street railroads, owns and operates them. They have been successful from the first hour; they paid a dividend right from the start. The workers get \$3 a day for eight hours. The city to-day is negotiating with the United Railways to buy all railroads, involving an investment of \$35,000,000 to \$40,000,000, and the city is also negotiating to buy the waterworks for the community. We believe that is a stride in the direction of industrial peace. We think that, with public ownership of public utilities, the strikes and lockouts in connection with public utilities will be reduced to a minimum; and if it operates there, why shouldn't it operate in a city like Philadelphia, if you have the civil service, and if you have the nominating primary, and if you can establish the recall?

Mr. BLANKENBURG. Well, Mr. Weinstock—

Acting Chairman WEINSTOCK (interrupting). Your people here are no different from our people in San Francisco.

Mr. BLANKENBURG. No, sir.

Acting Chairman WEINSTOCK. They are made out of the same sort of clay?

Mr. BLANKENBURG. Yes; they are just about as good. As far as that question is concerned, the city of Philadelphia owns its waterworks. The city of Philadelphia used to own the gas works. The gas works were under the domination of a ring, we called it a ring, that was omnipotent almost to run the politics of the city of Philadelphia in 1880. There was one man who was absolute dictator. The Czar of Russia could not have been more absolute in that

respect than this man, and it came to be so bad that there was a revolution, a committee of 100, in 1880 and 1881, and the people were aroused. It was very hard to arouse them or to keep them aroused. They will go off like a bubble in champagne. I suppose you all know there is a bubble in that and then they will settle and keep quiet. So far as the recall is concerned I have often wished that we had a recall in Philadelphia, because then I would submit myself voluntarily to a vote of the people, whether they are satisfied with me or not. But we haven't the recall and I don't see how we can legally do it.

There is a great deal in the recall and the referendum, and so on, and so forth, but so far as public utilities are concerned it seems to me that we can not hope of accomplishing the ideal until the citizens themselves are more ideal than they are, and especially until they will understand that they owe a duty to their country to go to the polls at every election and cast their ballots.

Now, in regard to the street cars. The Rapid Transit Co. in 30 years, isn't it, will revert to the city under a contract made between the city and the Rapid Transit Co.

Acting Chairman WEINSTOCK. You say the franchises revert to the city?

Mr. BLANKENBURG. The company, the last company, the Rapid Transit Co.

Acting Chairman WEINSTOCK. Yes.

Mr. BLANKENBURG. Which has a good many underlying companies, unfortunately. The whole thing will revert to the city, the city will become the owner of the street cars.

Commissioner O'CONNELL. In how many years?

Mr. BLANKENBURG. I think 30 years. Fifty years is the term, and since 1907 has elapsed.

Acting Chairman WEINSTOCK. About 44 years more?

Mr. BLANKENBURG. Yes.

Acting Chairman WEINSTOCK. Well, now, of course, this commission, Mr. Mayor, is not solely interested in Philadelphia conditions. We are interested in the national conditions, and any suggestions and hints that could be given us by men of experience and men of training will be exceedingly helpful. One thought, speaking for myself, that I had in mind in the matter of bringing about a higher degree of industrial peace is a recommendation to the municipalities to seek public ownership of public utilities. Now, given the referendum and given the initiative and given the recall and given civil service, is it your judgment that it is wise or unwise to strive for public ownership of public utilities?

Mr. BLANKENBURG. Well, in the first place there is civil service and civil service. There is just as much difference between them under different administrations as there is between day and night. I know there is a great difference under this administration from what it was under the last. That is really a question that would require more thought, and I would hardly feel justified in expressing an opinion. I believe in the ideal; I have always been an idealist, and have always been an optimist. No matter how bad things may be they will get better. And my ideal of American citizenship is, perhaps, greater than that of most people. I was not born in this country. I came here because I loved liberty and I wanted to help the country all I could, and I have had a more serious thought of American citizenship than perhaps generally prevails. And until we can get a civic pride aroused—we are getting it here in Philadelphia to a great extent, and I am very glad to say especially through the aid of the best women of Philadelphia. We have a civic club here that stands back of the administration in every possible way—disinterested women who give their time and their money and their whole ability—and we are making progress in that direction.

Now, I am willing to go as far as anybody toward the goal, but I don't want to get to the goal with a jump, because if we get there with a jump we will in all probability jump too far or not far enough.

Acting Chairman WEINSTOCK. Where there is such a thing, Mr. Mayor, as having an objective and such a thing as not having an objective. Now, do you think it wise for the municipalities, the American municipalities, not only for that reason but also for the reason of establishing a higher degree of industrial peace, to have as an objective the end in view of public ownership of public utilities?

Mr. BLANKENBURG. Well; yes and no. As an objective, yes; but how far off is another question. I would not want public ownership until we have a more serious citizenship; until people will understand that they are part of the gov-

ernment; that every man, and in your State, every woman is a king or queen. They are just as good as anybody else. But that is not as a general thing understood yet. But when you have this civic spirit aroused that I have been fighting for for the last 40 years, and until we get that aroused thoroughly, I don't believe we can safely look for the goal. I believe in the goal entirely, absolutely.

Commissioner O'CONNELL. I understood you to say that at one time the city owned the gas works?

Mr. BLANKENBURG. Yes.

Commissioner O'CONNELL. How long ago is that?

Mr. BLANKENBURG. That was in 1894, I think. Some of these newspaper men will know more about it—1897.

Commissioner O'CONNELL. How did it come into private hands?

Mr. BLANKENBURG. We had an offer made by the United Gas & Improvement Co. to take over the gas works; to give the city free lighting; to charge \$1 a thousand feet for the first 10 years and then 90 cents; and now, I believe, it is 80 cents. The city gets a rebate from the dollar—that is, 10 cents and 20 cents.

Commissioner O'CONNELL. How does this compare to the citizen consumer when it was owned by the city and now by private interests?

Mr. BLANKENBURG. Well, there is a question of quality. It was a great deal higher formerly because the gas was—simply you had to light a candle, almost, to see the gas.

Commissioner O'CONNELL. The gas was poorer then?

Mr. BLANKENBURG. Oh, a great deal poorer.

Commissioner O'CONNELL. Under the city administration?

Mr. BLANKENBURG. Oh, a great deal poorer. It was abominable; and that was the one reason why a number of our most prominent citizens supported the thought of having the United Gas & Improvement Co. take over the gas works, to give us better light, cheaper light, and to take the gas works out of politics.

Commissioner O'CONNELL. What is the cost of gas now to the citizens?

Mr. BLANKENBURG. You will have to ask me an easier question. I don't believe anyone knows the real way-down-in-the-cellar cost.

Commissioner O'CONNELL. Per thousand feet, what is the price now?

Mr. BLANKENBURG. We pay a dollar; the consumer pays a dollar. The city gets a rebate of 20 cents. It amounts to about \$1,800,000 a year now.

Commissioner O'CONNELL. Has the city always owned its waterworks?

Mr. BLANKENBURG. Yes. The first waterworks were built in Fairmount Park in the thirties, I think.

Commissioner O'CONNELL. Do you have the meter system in the water department for those consuming the water?

Mr. BLANKENBURG. The meter for those who want the meter, and a flat rate for those who do not.

Commissioner O'CONNELL. What are the rates now—what is the flat rate?

Mr. BLANKENBURG. The rate for water is 4 cents a thousand gallons.

Commissioner O'CONNELL. What is the minimum charge per month?

Mr. BLANKENBURG. Five dollars on meters, but we only have 14,000 meters with 150,000 connections. The fixture rate is the prevailing rate here.

Commissioner O'CONNELL. That is, \$5 for a minimum charge for meters?

Mr. BLANKENBURG. Yes.

Acting Chairman WEINSTOCK. Just one more question, Mr. Mayor. These deplorable conditions that you have told us about as existing in the gas works when the plant was owned and operated by the city, was or was not that during the period when political bosses prevailed in the community?

Mr. BLANKENBURG. That period has not expired yet.

Acting Chairman WEINSTOCK. You still have bosses here?

Mr. BLANKENBURG. Rather.

Acting Chairman WEINSTOCK. Well, I would suggest to your citizens to come to San Francisco and sit at our feet and learn wisdom. We have no bosses in San Francisco. They have been wiped out.

Mr. BLANKENBURG. Forever?

Acting Chairman WEINSTOCK. I am not a prophet, nor even a son of a prophet, but the indications are that so long as we have—

Mr. BLANKENBURG. (Interrupting). You suffered enough.

Acting Chairman WEINSTOCK. Our trouble is that we went from one extreme to another—from the worst-managed city in America to one of the best.

Mr. BLANKENBURG. Don't forget Philadelphia, please, when you speak of one of the best.

Acting Chairman WEINSTOCK. We want to thank you very much, Mr. Mayor, for your courtesy in coming before us and your patience in answering our questions.

Mr. BLANKENBURG. Very glad to have been here, indeed.

Acting Chairman WEINSTOCK. Call your next.

Mr. BUSIEK. Will Mr. Wanamaker take the stand, please.

TESTIMONY OF MR. JOHN WANAMAKER—Recalled.

Acting Chairman WEINSTOCK. Yesterday you were good enough to give us a good deal of valuable information about the management of your own business. This morning we want to get some views from you and some opinions, if you care to express them as a citizen. As you doubtless are aware, Congress has placed a very heavy and a very serious burden upon this commission. It has called upon us to try and solve not only the Philadelphia problem or a problem of the State of Pennsylvania or a national problem, but a world problem: the problem of how to find the missing link between capital and labor, with a view of establishing a higher degree of national industrial peace. Now with your opportunities, Mr. Wanamaker, for broad observation, having been a student all your life of conditions generally, having felt a keen interest in the common welfare, we feel that you can make good your offer yesterday of endeavoring to aid this commission so far as lies in your power by giving us the benefit of your judgment and your views. What, in your opinion, Mr. Wanamaker, is the missing link between capital and labor?

Mr. WANAMAKER. Would you permit me, Mr. Weinstock, to refer for a single moment to my testimony yesterday.

Acting Chairman WEINSTOCK. Yes, sir.

Mr. WANAMAKER. I would like to say that in reading it, while I could not do else than to answer the questions which you gave to me as to my own business, I confined myself to them, but when I read the reports of it in the newspapers I felt that I had painted my own portrait with too much color. I was simply giving you the facts, and trying to convey to you the truth that I read in the face of that big building up there that faces me. Part of it is dark—the part that was built as you can see it on the wall—and the part that has been built since is whiter. Things have changed, and there is a different spirit, I think, on the part of the merchants and the manufacturers to consider the conditions of the people that work for them. I think that men and women are in a rising market for their labor, because they are better educated; they work under sanitary conditions. They have grievances that can not be always met, referring to one of your questions yesterday, but the employers have grievances, very serious ones. You spend a thousand dollars in educating a 10-cent boy, or a very small man. But the future is bright because of the new spirit that is abroad, where a workingman or a peasant is not any longer a mat for a rich man to wipe his feet upon. That used to be so in the olden times. The man that can set a jewel or that can even make a horseshoe is much more of a man than a man that never does anything or that walks around with a high hat and a cane. It is the man that has got something in him, that can do something. And I just want to add, before I take the question that you have given me, this, that it is one thing to look at the outside of a building, and it is a very different thing to look at the inside of it, and that I haven't a question that in every establishment, mine as well as others, there are things that go on that you don't know anything about, and they never reach you unless it is when some crazy man appears outside and tells the story and you hear it and can take it up and learn that there has been some cause of unhappiness.

Six thousand people in a building, 7,800 when it is at its best, is a large village, and you gentlemen of affairs know how difficult it is for everything to be right in any one building; but if the purpose is right and the principle is right, and you are working on it, there is something for the future. I think there is an emancipation for labor, a great freedom to come to people by reason of the holidays and relaxation and opportunity for study and for enjoyment of themselves and their own people. Now, if you will permit me to go back to the question, I would like, before I go any further, to say—I don't know whether the mayor is here, but his director was here a few minutes ago—that

I think that there has never been a year in my memory that there has been so much done in the city organization to promote the well-being of the employees as there has been in the last year in this city. That is the way it looks to an outside man. And there is a cause for that, and that is that it is not under the control of politics to the extent that it has been. I believe, as a party man, that a party ought to be considered, just as the President considers his own party at the present time, which he has a perfect right to do, I think he has been very moderate and modest about it himself. But talking about having a party to control the offices, we have had an experience when it did, and we are having one now when it does not, and it is greatly to the advantage of the city, if that is of any interest to you. Now, will you give me your question again?

Acting Chairman WEINSTOCK. Mr. Reporter, will you repeat the question, please?

(The question was read by the reporter as follows:)

"What in your opinion is the missing link between capital and labor?"

Mr. WANAMAKER. I should in two words say that it was prejudice and misunderstanding; and that prejudice builds a Chinese wall often between the laboring people and those who find the capital and meet the losses of the investment of their capital, while labor gets the profit of it and can not bear any loss. I don't know that you asked me whether I believe in labor unions. I do. I think that workmen have just as much right to organize as capitalists have, but I think they miss it when they don't treat each other fairly. And unfortunately the poor man carries a chip on his shoulder as if nobody cares for him and he has got to fight it out. But he hasn't to do that. I do believe that all the wealth of the world is made by labor, and I don't believe what a man said here yesterday about his old father who might have been a baker or might have been a laborer. My father was a workingman, so I am not speaking against any one. If he saved up \$500 and bought a bond and saved it and sent it down to his great-grandson, instead of getting a kick for that, he ought to get a prayer for every other man's grandfather to save up and buy a bond for him.

I believe that by such work as you are doing here to-day, gentlemen, you are going to get to the bottom of a good many things. And I believe there is a greater possibility than ever there was since I was born to find the way. That is something. It is a new awakening that is going over the country, to find the way to make people content and prosperous.

Acting Chairman WEINSTOCK. You give it, then, Mr. Wanamaker, that some of the causes that lead to industrial unrest, are prejudice and misunderstanding?

Mr. WANAMAKER. I think it is entirely so myself.

Acting Chairman WEINSTOCK. Now, is there any better way that can be suggested, if not of wiping out, at least of minimizing prejudice and misunderstanding, than by contact—by getting together?

Mr. WANAMAKER. I don't know any better way. But I would start with unhitching the labor organizations from political parties. I think the wrongs that Pennsylvania has suffered have been because the great Democratic Party that we once had—I speak of it just as freely as I speak of my bread and butter—why shouldn't we speak of these things if we want to correct them—the great Democratic Party that lost itself with the embraces of the Republican Party, greatly harmed the prosperity of the State of Pennsylvania.

I believe in two parties. I believe in both of them being strong. And I believe in both of them holding up their hands and their heads and marching on; but not when they are selling out to each other for offices or anything else.

I think that would be the first step. The second step would be—if the employers of labor are wrong, let us labor with the employers; and I think some of these things that are going on—I referred to some of them yesterday—it is not that they are going on only in one place but in many places. Your own establishment would be a good illustration of it, as I know something about it, from people that have told me of it who have come from your very own roof, so that I know something about it.

I think the things that are going on are like the heaven that is going to leaven the whole lump; but you and I won't live to see this millenium, unless we work very hard to bring it about as you are doing to-day, sitting here in the heat and listening to us in a poor, droning way, trying to give you the best impressions that we can. I think Mr. John D. Rockefeller, Jr.—and I esteem very highly his father and himself—made a very great mistake when he put

the President in a position that he had to send troops there to settle a business quarrel. I may be wrong about that, but I feel that way about it. I think the Government of the United States ought never to be called on to settle what belongs to a State—an industrial condition.

Acting Chairman WEINSTOCK. Believing, as you do, Mr. Wanamaker, in common with myself, that the best remedy for misunderstanding and prejudice is contact, that must carry with it not only the organization of labor but the organization of employers. That is quite as important for employers to be organized as for labor to be organized if they are to be brought together on a large scale. Now, assuming that the employers were organized on the one hand, and the workers were organized on the other hand, should not everything be done for one body to recognize and deal with the other?

Mr. WANAMAKER. Most assuredly; and I have always hoped that the great final resort would be the new officer of the President's Cabinet, the Secretary of Commerce and Labor. I think he ought to be the great final resort. I am not in favor of the organization—any greater organization of capital than it can make, as situated at present, in the large operations in which moneyed men get together—but for all the merchants and all the manufacturers and all the artists and the different professions to organize, I think that that is not advisable, excepting for conference with the Secretary of Commerce and Labor, in order to effect a condition which is unfavorable to labor or unfavorable to the employers.

Acting Chairman WEINSTOCK. Yes; now, with labor organized on the one hand and employers organized on the other hand, do you know of any better way to maintain industrial business than of entering into trade agreements that ought to be sacredly observed by both sides?

Mr. WANAMAKER. Well, the trouble about that is that on the one side there is responsibility and on the labor side there isn't any. Now, that is where the thing stops. I believe this—if you will allow me to say it—that I have seen in the last few years, very recent years, a great deal better class of men coming into the leadership in the organizations of labor. I think labor has suffered frightfully from a class of men that were lazy and that could not produce wealth but were good talkers, and that misled their forces. They have suffered. One of the signs of the times is the new star, of men who are educated, who do not think only along one side of the table, if you please, but they walk around it and see it all; and that is promising a good future for us.

Acting Chairman WEINSTOCK. Well, while it is quite true, Mr. Wanamaker, as you say, that employers as a rule are responsible and labor unions as a rule are not financially responsible, except morally, isn't it true that in such industries, for example, as printing, take the typographical union, for example, and in such undertakings as the railroads, take the engineers, the conductors, the firemen, the brakemen, that those labor organizations have never been known to violate a contract? They have always faithfully observed the trade agreements entered into with their employers. Now, if despite the fact that they are not financially responsible, but because of their moral responsibility they do make good, why can we not reasonably hope that other unions, other labor organizations, will in time be educated to respect their contracts and agreements?

Mr. WANAMAKER. Well, I am thinking hard while you are speaking to me, and I would like to answer very carefully to the very point of your question. I am thinking that I know of any labor organizations that have any other purpose than to protect their work—is the way they put it—which means to protect their wages, largely. Now, I think that is a great misfortune. One of the ways it works out—I need not tell you gentlemen—is that it has endeavored to limit the learners of their business, their respective trades. I think that has been a great misfortune. I think they would have been a great deal stronger if, instead of the schools that are teaching trades—amateur schools, a good many of them, though some are practical, such as the Williamson School we have here, founded by an old Quaker man who up and took \$2,000,000 out of his box to establish a school where 245 boys are learning trades, actually under the guidance of very competent people—but the trades themselves are the best teachers of their own trade. They would have extended their influence and their strength far better if they had opened the doors to their sons. I have heard many a man, for instance, in the printing business, who owned newspapers, who could not get his son into the printers' organizations.

I am for standing by the man that works, but he must put himself in a position that you and I can take his hand and sit down with him as a gen-

lemen and as an honorable man—not to say that any of them are not gentlemen or not honest—but we must be on a level in discussing all sides of the question. And I say this to you—and I have thought of it a number of times since the Czar of Russia, with his family, came near being killed, because the pilot car ahead of his train, as you may have read, was shot away—I wish to speak of an incident in the life of the old Emperor William, the grandfather, wasn't he, of the present Emperor—of a remark that he made. If there was ever any man that was loved by the people that old King William was. I have seen people cry when they stood and looked at him and they would have kissed his boots—a fine old spirit he was—and one day the advance pilot of his train was upset and some people were killed, and as he walked along and looked at it he said something like this: "I have believed all my life in the affection of my people. I have come now to believe that there is just one thing I can do best to help them, and that is to educate them."

And I think that is where we all are to-day. We have got to educate these people.

Pardon me for taking so much time, will you?

Acting Chairman WEINSTOCK. Then, summing up, Mr. Wanamaker, on this phase of the question, I gather that your attitude is about as follows: You believe that the missing link between capital and labor lies in the fact that there is mutual prejudices and mutual misunderstandings; that the remedy for that is contact? That on a large scale contact can only be hoped for by mutual organization. Do I quote you correctly when I say that, with organization on both sides you are a believer in trade agreements, and that those trade agreements must be respected by both sides and sacredly observed?

MR. WANAMAKER. I don't know how to sign an agreement or a belief in it until I first read it.

Acting Chairman WEINSTOCK. Assuming that the agreement is mutually satisfactory?

MR. WANAMAKER. What you say is exactly the fact. Here you have come from your homes and from your comforts and other duties, and you sit here to come in contact with people, to get information. What for? Is it for your pleasure or your profit? It is for your country. Now, let us do more of that, and let us learn that we have got to have, if the organization is not sufficient, let us turn to the manufacturers' organization, turn to the chambers of commerce, and say, "Why don't you make an arbitration point before you have a strike? Why don't you look at both sides of the question instead of just one side?" I think the finest thing I know of in the history of our country is written on Samuel Adams's tombstone, 'way up in New England, the single line that reads, "This man organized the Revolution."

Just a lot of gunners and shouting and trumpets was one thing, but it was the organizing, and I think that is what you are after, if I understand it, sir.

Acting Chairman WEINSTOCK. To carry out your idea, Mr. Wanamaker, that of chambers of commerce and manufacturers' associations arbitrating their differences with labor, that, of course, would mean the recognition of labor; that is, the recognition of organized labor, would it not?

MR. WANAMAKER. Why, it is an insane thing not to recognize it.

Acting Chairman WEINSTOCK. You believe that organized labor ought to be recognized and dealt with?

MR. WANAMAKER. Yes, sir.

Acting Chairman WEINSTOCK. In contradistinction to the situation that exists to-day in Colorado, where the employers absolutely refuse to recognize organized labor or to deal with it?

MR. WANAMAKER. Yes, sir.

Commissioner O'CONNELL. I understood you to say, Mr. Wanamaker, that you believed in more recreation and shorter hours for labor, and so on, to build up a higher standard. Do you think the eight-hour day should prevail generally throughout the country?

MR. WANAMAKER. That or less.

Commissioner O'CONNELL. Or less?

MR. WANAMAKER. Yes, sir. I think it simply means the accommodation of the work of the public to the working people. I have studied that very closely.

Commissioner O'CONNELL. As a man who has had to do with large things and dealt with large numbers of employees, would you think it is almost impossible for the individual to-day to get anything like redress, or even a hearing as to redress, unless it is through some form of an organization among his fellow

workmen? As, for instance, a single employee in the quarter of a million employed by the United States Steel Trust, has a single individual any possibility as an individual in that great organization, where, unlike yourself, who are in your store in Philadelphia every day, and where they see you and you see them, those people probably never see the directors or owners of that institution, by what method is it possible for them to address even an imaginary grievance unless it is through some form of organization, be it ever so crude and ever so bad?

MR. WANAMAKER. It seems to me that it would not be misunderstood if I were to say to you that Mr. Alba Johnson, of the Baldwin Locomotive Works, or Mr. Bromley, one of the large employers, Mr. Nathan C. Caldwell, head of the Manufacturers' Club, could answer that question better than I. Not that I do not want to answer. I want to answer some things that you have not asked me, but let me—

Commissioner O'CONNELL. Here is a question that I know you ought, and I believe you do know something about. For instance, you were for several years the Postmaster General of the United States. You had to do with practically half a million employees in that department, and that department is owned by the people of the United States.

MR. WANAMAKER. Yes, sir; I am in favor of the people in a good many things.

Commissioner O'CONNELL. You heard Mr. Weinstock ask the mayor as to his belief on the question of public ownership?

MR. WANAMAKER. Yes, sir.

Commissioner O'CONNELL. You have dealt with one of the great institutions which the public own; do you believe we should go further and publicly own the public utilities, street cars, etc.?

MR. WANAMAKER. I do, absolutely.

Commissioner O'CONNELL. Absolutely?

MR. WANAMAKER. Yes; I think that, referring to the gas works as an illustration, the mayor is a little too young, I think, to answer all those questions. But I remember very well that it was controlled by politics. It was not controlled—

Commissioner O'CONNELL. That is an incident, because we have hundreds of cases where municipal ownership has proven successful beyond question.

MR. WANAMAKER. Yes, sir; if the citizens controlled it, as they do the U. G. I. Co., we would have cheaper gas, better gas, and an income which the city does not have.

Commissioner O'CONNELL. In the District of Columbia, where I live, we only pay \$4.50 a year for our water.

MR. WANAMAKER. Mr. O'Connell, I think that you are doing a great thing for the country to follow out the thoughts that you have in mind in reference to those questions. I have no fear whatever of a Government operating its administrative, its administrative affairs by the board controlled by politics. I say that after a study of it for four years. I am very confident that the way out for the railroads would be for the Government to own the railroads. I believe it would settle their financial troubles. Instead of being in combinations that bring about such things as have been brought about by the New York and New Haven, and the Rock Island, where masses of capital interested in other things, combined and brought about those conditions, with some other things, perhaps, that we don't know about. I believe if the railroads, carrying the mail, were supplied by the Government with the cars to do it, and paid mileage, taking away all the difficulties that there are about the weighing of the mails, occurring annually, the uncertainty of getting the proper accounts, the railroads would be relieved of the wear and tear which is covered by mileage; they would be relieved of the fear and breakage of cars which the Government would own and have to take care of. It would make a sufficiently large income to not impose upon the whole country an increase in the cost of goods.

It does not make any difference to you, nor to myself, as a merchant, whether they raise it or not. You simply charge the cost of your goods up and must get your profit above that cost. The Government does not want to increase the cost of living, but it is, under this pressure, bound to consider the cost.

I think the ownership by the Government of the parcel post will greatly serve the people. It is not at its best yet. It is not fair to expect it of the Postmaster General, but he is making progress. I think that will serve the people who could not be served at all by the express companies. The express companies are bound right—what I would say, something that built themselves

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into the railroad companies that they should have done, or should have worked themselves. I am thinking for the country and not for capital in these answers.

Acting Chairman WEINSTOCK. Speaking of that point, Mr. Wanamaker, I have heard you quoted, while Postmaster General, that there were four powerful reasons why the parcel post could not be introduced: One was the Wells, Fargo Express Co., and the other the Adams Express Co., and the third the American Express Co., and I have forgotten the fourth.

Mr. WANAMAKER. The Southern.

Acting Chairman WEINSTOCK. The Southern.

Mr. WANAMAKER. Yes, sir; it was true. I tried very hard to get something done. One thing was the postal savings. It is for the greatest comfort of the people to get a place where they are sure of their money. In two years' time, when I was working on it, I thought we would be able to get \$100,000,000. During the first two years we got more than that. I believe in the next five years the Government will have \$500,000,000 there. You reduce your postage to 1 cent, you will when the Government owns the cars, the mail cars, and pays the mileage, just the same as you can measure any other product that the people have to sell.

I believe the day is coming when we can reduce in half the price we are paying for the telegraph.

Commissioner LENNON. Mr. Wanamaker, you stated in your answer to one of the questions, or probably of your own volition that, in your opinion, the unions devote all their time, or nearly all, to the question of wages. Do you believe the subject of wages is an important one to the working people?

Mr. WANAMAKER. Of the utmost importance; but the man who spends his time trying to get his salary raised generally fails in it. He has got to be an earner. I don't agree at all with statements that were made here yesterday. It is not a question whether a man is lazy, or drunk, or whether he is a poor workman—that is the question. It is all of that. You are very good to me to give me a chance to qualify my statements.

So far as I know, I ought to say some labor unions may have other work that I don't know anything about, but so far as I know—

Commissioner LENNON. Do you believe that the unions have been at all effective in raising wages in the United States?

Mr. WANAMAKER. That is a very difficult question to answer. I am not sure that I have had sufficient experience. I think at the time that this building was going on it cost me a great deal of money that was wasted, so far as I was concerned, but the sympathetic strikes. I had an agreement with every contractor that they would not enter into any sympathetic strikes, but my building stood idle, and I had to wait until they got ready to settle some strike in New York City somewhere.

I am not answering that with any bias, my friend. I should suppose that the labor unions would have a natural right to resist any concerted action on the part of builders or of capitalists to stop a public work, or to take away their employees. I would feel as if I had a right to strike a man that was striking me.

Commissioner LENNON. You are, in your own mind, satisfied as to the effectiveness of the work of the trade-unions as to raising wages? You are not certain as to whether they have or not?

Mr. WANAMAKER. Oh, I think that, as you put it to me again, I think probably some of the different trades have raised wages. The effect of their plan which I do not like and don't think is wise for them is to limit the number that shall be employed in the paper-hanging trade or in the plumbing trade.

Commissioner LENNON. Well, if you were shown that those alleged limitations are not realities, but the theories of those that do not belong to the unions and who have not studied it, I suppose you would accept the evidence if it were sufficient?

Mr. WANAMAKER. I would not only do that, but I would thank you for giving it to me.

Commissioner LENNON. Do you believe in what we term the Australian ballot system?

Mr. WANAMAKER. Let me see if I understand it. Explain it to me.

Commissioner LENNON. Well, the system of ballot that has been in effect, more or less, during the last 15 or 20 years, whereby the citizen can vote a secret ballot, without being known to the politicians or union leaders—you believe in that kind of a ballot?

Mr. WANAMAKER. I do; yes, sir.

Commissioner LENNON. Do you know where it originated and with whom it originated?

Mr. WANAMAKER. No, sir; I do not.

Commissioner LENNON. I will tell you, so that you can verify it, if you desire. It originated with the trade-unionists of Australia. They were the originators of it.

Mr. WANAMAKER. What has been the effect of it; may I ask that, for my information?

Commissioner LENNON. The effect of it?

Mr. WANAMAKER. Yes, sir.

Commissioner LENNON. The effect of the Australian ballot, or the secret ballot, wherever it has been used has been to elevate citizenship.

Mr. WANAMAKER. You are on the right track when you do that. I am in favor of the Australian ballot.

Commissioner LENNON. I am sure, without asking the question, you are favorable to general education of all the children of our country in the public schools and wherever opportunity presents itself?

Mr. WANAMAKER. Well, sir, at the present time the board of education of this city is unfortunate enough to have me for one of its members.

Commissioner LENNON. I am glad of it. I want to call your attention to the fact that practically the first force of any magnitude in organized society, either in this country or Great Britain, to stand for compulsory education and public schools was organized labor.

Mr. WANAMAKER. Yes, sir.

Commissioner LENNON. Do you know what part the unions have taken in the securing of factory-inspection laws, protection against fire, and protection against the injury by machinery through the introduction of safety appliances? Are you aware of the activity of the unions in that field of endeavor?

Mr. WANAMAKER. Somewhat so; yes, sir.

Commissioner LENNON. Well, is that commendable?

Mr. WANAMAKER. Very.

Commissioner LENNON. You find that while it is true that the question of wages is probably the leading factor for which the unions strive, they strive for all the things that good men and good women are working for in the world as organizations. I just wanted to call your attention to that.

Mr. WANAMAKER. You are simply confirming what I have said, that there is a great new tide raised for the study of human welfare. I am looking at that building. You will forgive me if I still have my eyes on it while you are cross-questioning me?

Commissioner LENNON. Yes.

Mr. WANAMAKER. I felt that public buildings, where so many people worked in the factories and where there are so many in masses that their lives should be safeguarded, and I was the first man to put on a plan for a building, fire towers, built of brick and stone, things that could not burn, and when they took that to the public buildings and put it on a plan, and the present director of public works, being now in my employ, and whom I knew very well, was the means of having it passed by the legislature, so far as factories are concerned; so you see I am very familiar with that.

We have four towers, rooms half the size of this, built of brick and of asphalt, or stone pavements, and stairs of stone, on iron horses that are practically smoke proof, and you and I, if we were sitting there to-day and there was an alarm of fire and we were on the top floor we would be safer than anybody on the bottom floor, because in a single minute and a quarter, no matter where you were, you could get into the open towers and get down quicker than you could on the lower floor. So you see we are working together.

Let us do more than that. This kind of information that we are having here to-day will go into the newspapers and do us all good.

Commissioner LENNON. Would you favor the establishment by law of a body in the State of Pennsylvania to make a study of great industrial conflicts that arise, or we are threatened with, to tell the people where the truth lay exactly? Not to arbitrate it as an official body, to go in with power of a court, but to make an investigation and tell the people just where the right and wrong was so far as human minds could do that?

Mr. WANAMAKER. I should take it that would be the result of hearing both sides of the case; it would come through an unbiased arbitration. Certainly any

information that can be gotten from any source to help to get the people closer together and to have a greater sympathy with each other. Now, you take the building people, for example; it would not make any difference to them, so far as I can tell, whether after we got the building built whether we had the business to occupy it; but take the employees of our store, Mr. Weinstock; every section is interested in and are assisting you if they are on the right basis.

I want to give you just one thought that perhaps has not come to you. Yesterday, I think it was, Commissioner O'Connell asked me whether we had any connection with the public-school system in our education. I said we had not, and yet we have, in this sense: There is a change, one of the changes that I speak of, in this other river of, not doubt, but of experience that is flowing, is that people who are getting education in colleges, they used to think that anything that soiled their hands was beneath them to undertake. Those people are now coming into the factories and into the workshops and into business. Our public schools in this city are sending out volunteers. Well, I will say, first, that we have none too soon come to undertake a vocational education as well as the academic education. In other words, not simply to fill anyone with books, but to fill them with purposes and to call out whatever they are fit for and try to guide them to it. Along that line here come the fine young women of the girls' normal school; they come into the business after their studies in the morning, and they have four hours a day, go on the pay roll, get some pay from the real business. They first go with the teacher, who endeavors to find out whether they intend to be business people. If they do not, why should they spend their time?

Then, what are the features of a buyer, if you please, if that is what they are for? What must they learn? If it is to be a saleslady, that it is not just a happy-go-lucky thing; they first must learn the principles of it. Of this school that runs, half a year will pass so easily—when you say to young people of 18 years who are in school—see what it means. You have not simply taught them from a blackboard or from some speeches, from a professor that comes and tells of something he has taught in other schools. He has the individual attention of a teacher, but the best of it all is that you get that which you can not get in the ordinary school. The boy gets down to his task, and he understands something about equation of payments; he can average an account; he understands about discounts, and when it comes to textiles, why, he knows something about them. He goes down and handles them and takes them to pieces. You see, first it is a school of teaching, and second it is practice. Right away he is started on that in which he is to spend his life. That is where you want to use all these establishments. Excuse me for rising.

Acting Chairman WEINSTOCK. One more question, if we dare to impose further on your good nature.

Mr. WANAMAKER. Not at all. I have my two men here in case you want them.

Acting Chairman WEINSTOCK. There are those in the United States who believe that one of the remedies for a certain kind of industrial unrest is the enactment of a minimum wage for women, especially for women, because, while unions have their organizations behind them to establish a minimum wage for men, the women, as a rule, are not organized, and hence are subject to exploitation at the hands of unfair employers, breeding discontent and unrest. There are many who believe that one remedy lies in establishing a legal minimum wage for women. The advocates of that idea have thus far been successful in initiating it in, I think, first, the State of Massachusetts, then later in Oregon, Washington, California, Wisconsin, and, so far as I know, several other States. It is still, however, in an experimental stage. It is not old enough to have demonstrated as yet. As a large employer of female labor, the commission would be very glad indeed to get the benefit of your judgment as to whether a legal minimum wage—whether you believe a legal minimum wage for women is good or bad.

Mr. WANAMAKER. Well, I can only give you my own thought about it. When I was a boy the best situation I could get to go into was the establishment of Dean Lewis's father, who made his admirable speech here yesterday; the most that you could get as a boy would be \$50 for the first year. The next year you would be lucky if you would get \$100.

Times were different, and Mr. Stewart had a store on Broadway that in its time was the greatest of all the stores. He would not employ women. I think he had them, perhaps a very few of them, in the fitting department.

He would not employ anybody but men. His system, too, was that he had a grievance against a man that was at all neglectful. He would tear a little piece of paper like this up, mark on it, and tell the man to go upstairs to the office, and he was dismissed without a minute's notice.

All that is changed now. You are coming to a new condition of things where we say every woman is worth just the same. I think that is a dishonoring of women. You take those normal-school girls who have got their education, they have been taught to write, they have been taught figures. A great many people have not had that opportunity. They have gone to work in a manufactory, and their fingers have become sore and stiff from the kind of work they had to do with their looms. You put them on the same level. What is the effect on an employer? He does not take the mill girl; she has not got the chance she had before, because she has got to produce \$8 a week, if you like. If she had the chance to come in and learn, if she could go up in any of the schools and limber up her fingers and open up some things she had never thought of she might become one of the best people you have. We have many people like that. I would like to introduce you to some that commenced washing dishes, if you please, and now get thousands of dollars in salaries, because they have learned it—they have learned it in the business.

Now, I think you do harm when you compel employers to pay for what they do not get. There ought to be some limitations, there ought to be something which you—if that can not be overlooked, or that they can not be crowded backward, it would be all right.

Commissioner O'CONNELL. Mr. Wanamaker, should not the girl be protected against the unfair employer who has no regard at all for how she may live?

Mr. WANAMAKER. We hear a great deal of that. I am sitting here answering you the same as if I had been subpoenaed and the same as if I were under oath. If I had to point to where that sort of thing was going on, or had gone on in the years, I should be a very poor witness. It is not that I have not had my eyes open I believe that there is not a bad woman in the world unless there is a bad man. I think if you wanted to put shadows on anybody, I would put it on the man. And as for the women, they can not do the kind of work that is to be done in a store like that and lead an improper life. Very well. Now, supposing you are not giving them enough to support them, who knows it but yourself? When that person is employed you found out how they are situated. They live at home. The girls that need employment, their greatest hindrance is the girl that wants to work that doesn't need the money and that has her home; but it is all right. Everybody should learn to work. I mean to say that the employee—the people do not take into consideration how they are situated, and their salary is graded accordingly, and they raise their own salaries by their faithfulness, which is evidenced, first, by their regularity; second, by their growth; and, third, by what they produce; and every good employer, for his own interest, takes care of his people.

Acting Chairman WEINSTOCK. I take it, Mr. Wanamaker, that what—from what you have said as to that you believe that an arbitrary minimum wage for women would work a disadvantage to the inexperienced worker who would try to get employment; that is to say, it is possible to get experienced women at the minimum wage?

Mr. WANAMAKER. It shuts out all of a class of people that are not well considered in the world. You take a girl that has good taste, and she will make very simple things and make herself look very beautiful. Take another girl who has been brought up where there are a lot of children, and she has not learned to take care of herself, and she is very shy, and she may have more ability than the other woman, but she is going to suffer from it.

Acting Chairman WEINSTOCK. But supposing that in the minimum-wage law there was a certain amount of flexibility, discretionary power with the commission, and the minimum wage would be based either on age, a graduated scale, or on experience with a graduated scale?

Mr. WANAMAKER. How would you ever get the ages of the women, I want to know?

Acting Chairman WEINSTOCK. Well, you will get them when it is to their interest to give them to you.

Mr. WANAMAKER. I am very doubtful.

Now, answering your question, I think that, as an experiment, we ought not omit it. It is supposed by people who are very wise that it is the best thing to do. I believe about that just as I believe about supporting our President of

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the United States. He is our President; and wherever there is a law we ought to support it as long as it is a law, or as long as we have a President.

Acting Chairman WEINSTOCK. Your judgment is, then, that the minimum wage ought to be tried?

Mr. WANAMAKER. It ought to be tried; and I think the next step would be to graduate it.

Acting Chairman WEINSTOCK. Graduated scale?

Mr. WANAMAKER. That it might be a good chance to take in the person that you would refuse. Supposing some people have some—as, strangely enough, they have—a great preference for men in the employ, as Mr. Stewart, it is the easiest thing in the world to take the high-school boys, and the school shoots them out. Fortunately, enough, in these days women have proven themselves to be as competent civil engineers or chemists, or a good many of them, fine business people. I know business women who are getting over \$10,000 a year. I would like to introduce you to some of them. Women have many opportunities, and I think we are—where you put an employer in a position that he can cut off people, I believe there is where some limitations should be made, providing that after a certain time there shall be an advance.

Acting Chairman WEINSTOCK. In behalf of the commission, Mr. Wanamaker, I want to thank you for voluntarily coming before us and talking to us as frankly and as freely as you have.

Commissioner O'CONNELL. I understand your men are preparing some data in accordance with a request made yesterday?

Mr. WANAMAKER. Yes, sir; some of it is here. And I renew my invitation to come up and look around. Why don't you talk to those people? Pick any of them out, any buyers or managers, and just squeeze out of them anything you can get.

(The data referred to by Mr. Wanamaker, concerning wages, schools, etc., of employees, and also the books of the beneficial association and the Columbia Banking Association, were submitted in printed form.)

Acting Chairman WEINSTOCK. Thank you very much.

EXHIBITS.

COOKE EXHIBIT NO. 2.

[Released for publication morning papers, Sunday, May 10.]

UNEMPLOYMENT.

[By Morris L. Cooke, director, department of public works, being the fourth in "Great municipal problems," series initiated by Prof. Simon Patten.]

"Unemployment"—in the one word is summed up a problem of tremendous importance to any industrial city. It is moreover a problem to be faced by our generation. No other obstacle to our growth as an industrial center is less likely, however, to be successfully combated unless our leaders—industrial, educational, and religious—keep our attention focused upon it. On the other hand, it can be confidently asserted that there is no one of the unfortunate conditions of our industrial life more possible of control than this one, if manufacturers, educators, the laboring class, and others interested will so view it.

There should be excluded from the present discussion the type of unemployment resulting from "hard times," changes in the tariff, or world-wide fluctuations in trade. We have in mind rather what might be called chronic unemployment and casual employment. Even during good times, and, of course, to a greater degree during average and poor times, there is a large amount of actual unemployment of types and due to causes that are almost ignored in popular discussion of the subject. It is to these phases of the problem that special attention should be directed.

During last winter the greater part of the talk on this subject has been about employment bureaus—private, municipal, and State, and even National. There is an important field for such agencies if they can be organized in harmony with democratic ideals. They are at best, however, only mitigating agencies and cover but a small part of the whole field. Such agencies will be principally of use as emergency measures during those times when conditions of trade are upset.

We in the United States have progressed far enough along the path of civilization to make it advisable in discussing such problems as this to put the emphasis on what happens when conditions are normal. We have great sympathy for those who are thrown out of employment by changes in national policy or by the invention of new machines, or by other unusual causes over which neither the worker nor the employer has much control. The object of this paper, however, is to call attention to the fact that the great burden of unemployment under which this and every other industrial center groans is due rather to the blindness of individuals, to tradition, to lack of organization, and other causes, which, if studied, can very largely be removed. Such study should enlist the interest of the employing class as well as those they employ. We are too apt to look upon anything like the unemployment problem that is fundamentally troublesome in industrial conditions as due to what are known in insurance circles as "acts of God." We accept such conditions as having been imposed in the general scheme of things and not to be successfully combated. We do not realize how largely we human beings are responsible for what is wrong.

There has been going on in this country for a number of years past experimental work in this field which would indicate that practically all of the burdensome chronic unemployment can be prevented if we make up our minds we are going to do it. Let me give just a few examples of the kind of unemployment I have in mind:

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Molly Brown is engaged on piecework and has been in the habit of making \$8 a week. If during the first days of the week she is given what are known as "fat jobs" and has already earned her \$8 by Thursday night, the forewoman sees to it that she gets little or no work on Friday or Saturday. Why? Because if Molly should earn \$9 or perhaps \$10 at piece rate this week the forewoman is afraid that she will begin to rate herself as a \$9 or \$10 girl, and that would be troublesome. The net result from an economic standpoint is two days of unemployment.

Again, in certain textile mills, it is the practice to carry on the pay roll a larger number of men than can be given work at any given time. This is done usually from two motives. The manufacturer wants to be sure of his help when he needs them for getting out orders. On the other hand, he has a kindly interest in his men and feels that to keep a certain number of his men on part time is better than actually to discharge some of them. In both attitudes it seems to me the manufacturer is mistaken. Through lowering the average net pay of his employees, he reduces the efficiency of his plant. On the other hand, he demoralizes the workers through training them to casual or interrupted employment. This practice is so general in some communities that a large percentage of the workers is capable of continued employment. After they have been engaged for a certain number of weeks, or at most months, they have to lay off. They can not stand the strain of even a relatively short workday if continued week after week. Certain other manufacturers who do not like the idea of laying men off for whole days at a time, or even one day, accomplish the same result by shutting down one or more departments early in the afternoon. Of course, the net result is the same. It would be a good deal better both for the manufacturer and his men if the number of employees should be kept chronically below rather than above the number to whom full time can be paid.

Another cause of unemployment is what seems like a wrong conception of the relations between selling and manufacturing. During the last 20 years the importance of selling as compared to manufacturing has been apparently greatly exaggerated. The selling end usually controls. The thought seems to be that the operations of the selling staff at any one time is limited. But there goes with this the assumption that whatever the selling staff can accomplish must be met by the manufacturing end of the business and this whether it involves cutting the output in half or doubling it. It may mean doubling the number of employees engaged on manufacturing and making them work time and half time, or it may mean discharging half the employees. The attitude should be that both the selling and manufacturing arms of a business should have like opportunities but like responsibilities. The selling force should be so organized that they can keep the manufacturing side going, so that day to day, week to week, and month to month fluctuations in the number of employees do not occur. Obviously, this is not a problem in which a 100 per cent result can be obtained, but in many establishments with which I am familiar, overtime has been practically cut out and rush seasons have disappeared.

In one shoe concern they have a special department which during dull seasons makes standard lines at a somewhat reduced cost. These goods are disposed of through special selling agencies and are manufactured only in order to equalize the load and to keep men employed when otherwise they would be laid off. This same concern has six men in the field in different parts of the world studying and trying to anticipate as far ahead as possible the demands of the market. These men do not sell. They simply observe trade conditions in order to get the earliest possible notice of either a heightened or lowered or changed demand. This reduces the amount of unnecessary manufacturing. It notifies employers long in advance of forces operating toward a change in the number of employees in any department or in the establishment as a whole. It frequently happens that those forces when anticipated can be counteracted. It is almost impossible to conceive that under good management there is any necessity for such violent changes in the number of employees as we have seen during this last winter. Some years ago in Philadelphia one concern operating in a standard line had approximately 19,000 employees on January 1 and between 8,000 and 9,000 employees working part time six weeks later. Lack of organization could be the only possible excuse for such a tragedy. It would be indeed a wonderful industrial community that could absorb men laid off at any such rate as this.

The study of this problem in the shoe concern above referred to has been going on for 10 years. The concern had an output last year of considerably over \$10,000,000 and is very successful. While in the shoe trade generally 8 to 10 weeks a year is considered a conservative estimate of the period of unemployment, this concern has reduced it, through its studies, to less than 5 per cent, which includes the regular vacation period allowed every employee.

Another cause of these more insidious types of unemployment is the fact that most workers know how to do but one thing. When I served my apprenticeship as a machinist I was associated with men who were boring mill hands, lathe hands, vise hands, or something else. In other words, they secured their livelihood by operating practically one type of machine. Obviously, when there was no work for this particular type of machine they were laid off. In some of the industries with which I have been associated since that time, there has been created the organization for teaching people how to do as many things as they are capable of learning. If work of one kind runs out, they can be shifted on to something else. Notwithstanding the general impression to the contrary, there is no reason why this scheme can not be practiced as a part of the shop procedure which the labor unions hold is the best adapted to promote the prosperity of the worker. There must be the broadest possible assurance that this will never be done in order to cut wages. Good faith in this as in every other matter is at the root of high efficiency. In one establishment that I know, owing to this coaching in doing more than one thing, none of the women employees were laid off for an hour during the year 1913. The entire force was kept engaged. There had accompanied this change an average increase in wages among the workers affected of about 20 per cent. One concern which does not believe in welfare work employs a factory nurse. Her work costs \$1.69 per employee per year. Her main job is to keep the workers well so that they can make full time. Will any one question that she is a good "buy"? I know three small concerns in a small town who jointly employ a nurse.

Every country in the world is discussing the minimum wage. Invariably the discussion hinges on the proper amount to be paid a man or a woman for a week's service. I want to submit that it will not be many years before this will give way to a discussion as to what constitutes a proper annual compensation for men and women. After all, what I am interested in is my annual income. This is the vital thing with my fellow workers in every grade. You can give a man or woman \$20 a week, but if you employ him only six months in the year and he is unable to secure employment from anybody else for the remainder of the year his actual weekly income is \$10. This is an extreme case, but everyone can suggest abuses in his own experience which illustrate the principle. The manager of a concern employing 800 employees told me recently that he had given orders that he should be shown at the end of each quarter the average weekly wage for the entire quarter of every employee, and he expects to see the same thing at the end of the year. This employer feels that his employees are to be permanent employees. They are members of his industrial family, in whose prosperity he is vitally interested. He has reached the conclusion inevitable under scientific management that if he is going to be prosperous he must pay high wages and have high-class people working for him. He must make quite an investment in educating every such employee. It is to this employer's interest to hold this asset in his own employ. It is to the interest of the worker so educated to stay where he can make the most of his accomplishments. On the other hand, I have before me the case of an employer who retires his entire staff once in every two years. Efficient management under such conditions is impossible. The lower the class of labor the less the importance which seems to attach to permanence and continuity of employment.

To sum it up, it would be a great and good thing if some citizens or group of citizens would establish at the University of Pennsylvania a chair on unemployment, the function of which would be to organize a study of the causes of both the chronic and the exceptional types of unemployment and make suggestions to our manufacturers and workers as to the best means of reducing it.

Inasmuch as the problem of unemployment is absolutely tied up to that of efficiency, and interwoven with it, it is one that will have to be solved. Those industrial communities that do not bear their part in its solution will inevitably suffer the consequences. A successful outcome will only be possible if the work is undertaken as a joint responsibility of both the employer and their men. Both sides must bring to its solution the broadest spirit of sympathy and zeal.

COOKE EXHIBIT NO. 3.

[Letter to Cooke from Mary Van Kleeck.]

COMMITTEE ON WOMEN'S WORK OF RUSSELL SAGE FOUNDATION,
New York, March 11, 1914.MR. MORRIS L. COOKE,
Philadelphia, Pa.

MY DEAR MR. COOKE: I am afraid that I am too late to be any use to you in connection with your lecture on irregular employment. I am afraid that I have not applied the principles of scientific management in my work the last few weeks, for I have allowed some important things to be snowed under because of some unexpected demands upon my time.

Recently we made an investigation of Italian girls in industry in New York, in connection with which a small group of families were visited at frequent intervals of a month or six weeks in order to learn something about the regularity of income. The report of this investigation is not yet prepared, so I can only give you some stray notes from our cards:

Rose, a flower maker, earning \$9 a week, was the chief support of her old father and mother, with whom she lived. Her brother, earning \$10 a week, gave only \$5 for his board. He was a drunkard, and could not be depended upon for any real responsibility in connection with the family. Occasionally the old mother did a little irregular home work, making cheap leaves for an artificial-flower factory. Here are some notes taken from the investigator's record of her visits:

January.—Rose said that she had worked in so many different places that she could not even remember the addresses, but for the past six years she had worked in one factory. "I like the place," she said, "because they give you steady work. But they are terribly slack now, and I am awfully scared they will lay me off. The worry makes my head ache so I can not sleep nights. Last week there was no work. I wish I could get another job. I manage to get along with about 80 cents a day for food for the family. I have to buy sherry for my mother, and beef tea. The doctor says if you don't give her nourishing food you will have to pay it out in medicine."

February.—Visitor called in the evening; found Rose pale and worn out. "My mother has been sick the last three weeks. It has been awful. I had to stay home from work. There is nobody else to take care of her. What else could I do? My father is too old and all bent over with the rheumatism. He tries to help me with the cooking, but it doesn't taste like anything. I had to stay up nights with my mother. She almost died. Now I owe the doctor \$13, but I told him to-day that he would have to wait, and he said he would. I haven't paid my rent yet. I told the landlord I would give it to him next week, but I don't know where I can get the money. We had to buy medicine for my mother; then the doctor said to give her nourishing food. My father and I don't need much, so we give her sherry and beef tea, which the doctor ordered. I am all worn out now. *I went to the factory when my mother first got sick and asked them to give me some work home.* The forelady was kind of ugly. I got some work, but when I took it back last Saturday they only paid me \$3. I went to work to-day. My mother is a little better, and *I was awfully scared that I would lose my job if I stayed away any longer.* My mother is also afraid that I will lose my job, so she says to me this morning that I had better go to the factory again. She worries awfully about the rent. She can't sleep for it. My brother came home drunk last week, just the day when my mother was the worst. The doctor saw it and spoke to him. He is getting worse and worse. I wish I could get a better job. I haven't been to Dr. Stella again. What's the use, when I can't keep the diet?"

April.—The report this month showed that the girl was laid off, not because of slack season, but because the *factory burned down*. Thereafter she went from place to place, holding the positions for brief periods, as the slack season was coming on in all establishments.

In *July* the visitor reported that she had spent a whole week looking for work unsuccessfully, and had *actually threatened suicide*. She had to go in debt for rent and economize as much as possible on food, and finally a social settlement had come to the rescue and sent her away to the country, paying

the equivalent of wages while she was gone. She was in a serious condition physically.

The Barbutta family suffered seriously from income fluctuations, but the investigator reported that unemployment was due not to irregular work in this family but mainly to sickness and minor ailments. During these periods of unemployment the food expenditures were cut down to fit the income, and part of the rent usually went unpaid. Money was borrowed also from relatives.

Another family is described by our investigators as having been strong and healthy men when they first arrived in this country, but now they are in poor physical condition, two children having died of tuberculosis and the mother having now an advanced case. Having no income to count on because of frequent slack weeks, they live from hand to mouth and can not develop very efficient plans of management. They take a lodger, who adds to the congestion of the household. They gather wood free of cost, but they buy coal by the pail, the most expensive way. They are always in debt to friends, and usually behind in the payment of their rent.

In another family the work of the husband was so irregular that the mother was obliged to go into a factory, in addition to doing the housework. She worked in the alteration department of a large department store, but two or three months every year she was laid off. Sometimes she has been able to save enough to tide her over slack season, but the margin between income and what she counts as living expenses is so low that in case of sickness of any member of the family during the busy season her small savings disappear, and she looks forward to the slack season with dread.

The investigator wrote: "It is usually difficult to find a job in slack season, and being laid off means the nervous strain of uncertainty, the wear and tear of irregular work, and perhaps working for lower wages in a cheap shop in a line of work to which she is not accustomed." One of her boys is becoming a confirmed drifter, because he was laid off on account of slack season, was out of work for a long time, and since then has found only temporary jobs. The rooms were kept spotlessly clean, but so close was the margin of income that the rooms were always cold in winter because of the necessary economy in fuel. The investigator wrote further: "There is no time and energy for planning. Food is bought in bits to and from work; a few cents' worth of fruit and vegetables from the pushcarts; a little meat from the butchers; a stop at the grocers for the rest." The mother in this family kept a detailed account of her expenditures for two weeks. The first week was after a period of slack time and hard luck. She had economized on food, the gas bill had not been paid for four months, and she had had to borrow money toward the rent. The second week was after a month of steady work, when all debts had been paid off, showing the desire of the family to keep out of debt when their employment was regular.

These are very casual notes, dictated in a scattered way. I know of no better pictures of what happens at the time of unemployment than those given in the books of Sydney and Beatrice Webb, with which you are doubtless familiar. I think that all the descriptions tell the same story, that when slack season comes clothing can not be bought, expenses for food must be reduced, and debts must be incurred for such fixed charges as rent. The demoralizing effect upon the worker is similar to the effect of any uncertainty accompanied by great anxiety. It develops either a habit of worry or a spirit of recklessness. The effect on the women of the family, who have the responsibility for planning the income, is that it gives them no chance to become skilled managers. All the influence is toward inefficiency and bad management.

May I not have a copy of your lecture? I know that I should find it exceedingly interesting.

Sincerely, yours,

MARY VAN KLEECK.

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COOKE EXHIBIT NO. 4.

Processes mentioned in advertisements for bindery women in New York World on Sundays and Wednesdays from July 1, 1908, to June 30, 1909.

[Women in the Bookbinding Trade, by Mary Van Kleeck]

Processes of work for which workers were wanted.	Times each process was mentioned.
Hand folding	311
Wire-stitching	102
Machine folding (point folder, drop roll, etc.) and knocking up	86
'General,' 'all round,' 'experienced,' 'generally useful,' etc.	76
Numbering, perforating, paging, check-and-prunting.	65
Hand gathering.	58
Hand and bench sewing (full and half-bound work).	47
Feeding ruling machine	46
Silk-stitching, looping, stringing cards.	43
Inserting (hand).	37
Hand pasting.	34
Tipping, covering, paper siding	32
Learners.	31
Forewomen.	26
Wrapping, examining, making, shipping.	23
Machine sewing (including "cutting off").	20
Collating.	14
Gold leaf laying.	12
Head trimming.	1
Total.	1,064

COOKE EXHIBIT NO. 5.

UNEMPLOYMENT NOTES REGARDING BOOT AND SHOE MANUFACTURING INDUSTRY.

I. UNEMPLOYMENT.

Resulting from—

A. Seasonal demand for product where employees are laid off and work on short time for a considerable period.

NOTE.—In the majority of shoe factories, particularly in the large shoe centers, this causes shoe workers to be unemployed for periods ranging from 8 to 16 weeks per annum; in some cases more than this. Many of the employees are laid off entirely, but more often are obliged to work on very short time and at greatly reduced wages.

How improved.—(1) By education of distributors to a realization that in the long run this lost time has to be paid for in the product and by getting their cooperation with this company by working on monthly estimates put in at the beginning of the season. In busy periods customers who order above their previous estimates are cut down on deliveries in favor of customers whose estimates are not overrun. Customers are not held strictly to monthly estimates, but failure to follow them is regarded as a sales problem and is freely discussed.

(2) By the manufacturer of special goods, made up without orders and sold through a special department created for that purpose. This department sells goods only when allotted to it, and sells them through special distributing channels, giving special values and special terms.

(3) By distributing through both wholesale and large retail trade whose deliveries come at different periods.

B. Frequent changes in standard daily production policy of factories according to volume of orders in sight.

NOTE.—Many factories have no standard daily production basis, but change frequently, taking on or laying off help as needed. Roughly estimated, this causes unemployment of from two to four weeks per annum; in many cases much more.

How improved.—(1) By adopting and holding absolutely to a uniform standard daily production basis for each factory. Many of our factories have run for periods of several years, putting into the factory each day a production varying not over 1 per cent.

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(2) When orders do not in a monthly period or block equal the factory capacity, by filling in with special stock goods in small quantities, to be distributed through special department previously mentioned. (See I-A, item 3.)

(3) When goods needed to fill monthly delivery blocks are necessary, by asking distributors to send in orders on staples to fill shortages.

II. LOST TIME OF EMPLOYEES THROUGH DAILY AND HOURLY INTERRUPTIONS.

Resulting from—

A. Employees coming in late; lost time inconsiderable.

How improved.—(1) By "in-late-pass system," proper investigation by foreman, and discipline where needed.

B. Employees going out or being laid off early, due to lack of work or stock. (Estimates lost time two to five weeks.)

How improved.—(1) By organizing material purchasing and supply system, based on predetermined sheet system, which gives purchasing departments ample time to purchase all material to exactly meet daily requirements and to know absolutely when goods must be delivered in the various departments to meet the product in which this material will be needed.

(2) By adopting a predetermined standard daily production and by holding rigidly to it foremen are enabled to compute accurately the number of employees needed on each job.

(3) Predetermination of employees needed on each operation is facilitated by fact that all work is piecework, based on standard average production of operations.

C. Lost time due to fluctuations on special operations or in special departments, due to variation in the class of product. (Estimated lost time one-half week.) (Note: Estimate 10 per cent of employees lose 5 hours a week, 50 weeks a year, equal one-half week.)

How improved.—(1) By system of routing work into factories, not only uniformly in pairs per day, but also uniformly in pairs per day in certain types of product, such as patent leather shoes, bluchers, tan calf, button boots, etc. Where production on these items vary whole operations or departments may work under badly fluctuating loads. By routing such types of work into the factory at a uniform rate per day for predetermined periods these operations are given a steady production, as well as the operations through which the final production passes.

There are many other ways similar to the above by which unemployment problems on special operations or departments can be wholly or partially solved. By keeping constantly in mind the necessity for steady employment it is usually possible to bring about good or reasonably good conditions.

To secure vacations for employees the entire business is shut down for the Fourth of July week, giving employees an opportunity to get rested just before the hot weather.

June and November are most difficult months. We formerly closed four days in June and four days in November for stock taking. This was discontinued several years ago. Except for this inventory period there have been only one or two seasons in 10 years when factories have been closed, and then only for one to four day periods.

LANDIS EXHIBIT.

THE HENRY PHILIPS INSTITUTE,
Philadelphia, July 10, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,
Washington, D. C.

GENTLEMEN: I regret the delay in submitting the inclosed testimony which was to have been presented at the hearing in this city on the morning of June 22, but which, owing to lack of time, I was requested to submit in written form.

Part of my testimony was submitted by Dr. Landis orally in the form of a previously written paper, but in the inclosed, I have endeavored to follow your submitted list of questions as closely as possible.

Trusting this is satisfactory to you, I am,

Respectfully, yours,

JANICE S. REED,
Sociological Department.

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TESTIMONY ON THE HEALTH ASPECTS OF THE CLOTHING INDUSTRY.

[Submitted by Janice S. Reed.]

1. Janice S. Reed, Henry Phipps Institute, Seventh and Lombard Streets, Philadelphia, Pa. Sociological research, sociological department, Phipps Institute.

2. I planned and carried out the entire investigation with the exception of the medical examinations, which were made by Dr. Landis and one of his assistants.

The inquiry was not directed into the sanitary conditions of the garment-makers' industry as stated in this question, but rather into the health aspects of the clothing industry, with special reference to tuberculosis.

3. The scope of the inquiry was to determine the relationship existing between the physical condition of the workers and the conditions under which they are living and working.

Methods.—It seemed best in order to insure a representative group of workers to use the factory as a focal point, and for this purpose three distinct types were selected, namely, the modern standardized factory, the contracting shop, where average conditions prevail, and the "sweat" shop. The homes and places of employment of each worker was studied separately with a view to ascertaining in so far as possible the influence of each factor—personal, environmental, and economic—and its bearing upon the health of the individual.

A preliminary visit to the selected factory was made to secure the consent of the employer for the indiscriminate examination of all his employees.

Considerable opposition was shown to this plan by several employers in the better type of factories. The chief reason given was economic, but there seemed to be present also a certain apprehension of arousing the suspicion of the workers through inquiring into their physical condition.

On the other hand, the workers not only responded readily to the plan when presented, but were themselves desirous of having the examination made. While it is true that they were haunted by the fear as to what would be the fate of a worker found incapacitated for work, and this fear was constantly expressed to the investigator, the consent was nevertheless universal.

A schedule of questions was developed, as per inclosed blanks, covering the points of personal record, occupation and wages, housing conditions, education and economic conditions, working hours, and workshop conditions, in all 56 questions. A blue card devoted entirely to a consideration of the health record, present physical condition, physical effects of employment, personal hygiene and habits, and physical measurements comprised in all 52 questions.

Still an additional card was used exclusively for factory investigation, having a total of 30 questions, covering points in structural and sanitary conditions, fire hazard, dust removal, etc.

To establish the relationship existing between the sanitary condition of the workshop and the physical condition of the workers was an object of first importance in this inquiry. It should be borne in mind, however, that the workers' frequent shift of factories renders an accurate estimate of the influence of working conditions upon the individual in the course of a number of years impossible.

This investigation covered 43 factories employing a total of 2,098 workers. The striking facts in connection with the inquiry into sanitary conditions of these factories are to be found in the frequency of unhygienic conditions and the variety of defects and deficiencies which many of the factories presented.

Defects	Number of shops.	Number of workers.	Percentage of workers.
Without fire escapes.	20	480	22.2
Serious fire risk.	41	2,062	94.9
No fire drills.	39	1,221	56.1
No emergency provisions.	33	1,515	69.6
Insufficient light.	1	40	1.8
Bad ventilation.	19	800	36.8
Inadequate water supply.	4	117	7.0
No wash rooms.	39	1,313	64.2
No dressing rooms.	31	771	45.5
No lunch rooms.	42	2,013	97.3
Insanitary toilets.	34	877	40.3
No separation of sexes.	8	139	6.4
Bad lighting and ventilation in toilets.	23	534	21.6
Toilets not clean.	31	705	32.5
No waste receptacles.	29	302	13.9
No cuspidors.	41	1,123	51.6
Dangerous machinery.	2	80	3.6

From the above table the prevalence of insanitary conditions is established.

The safety of the workers, from the point of view of fire risk, appears then to be seriously endangered by the conditions found. While it appears that only 22.2 per cent of the workers were employed in places without adequate fire escapes, the figures relating to the presence of fire risk, due to obstructed exits, prevalence of smoking, locked doors, presence of waste, and accumulation of debris, etc., indicates that 2,062, or 94.9 per cent, of the workers were employed in establishments presenting conditions involving serious fire risk.

If to the figures relating to lack of fire escapes and fire risk we add the facts that 30 factories studied, employing 1,515, or 69.6 per cent, were without emergency provisions, and that in 39 factories, with 1,221, or 56.1 per cent of the total, no fire drills were held, the problem of fire prevention looms up seriously. If the same proportion of fire risk exists throughout the entire industry in this city, the risk of life involved may be said to be a matter for immediate action on the part of local authorities and the State department of labor.

While the fire risk per se can not be considered an element influencing health, invariably the conditions entailing fire risks arise from conditions of neglect and carelessness, which in themselves represent a sanitary evil measurable in the reduction of air space through the accumulation of materials, storage, waste, dust, etc.

4. Answered in No. 3.

5. The problem of correlating the factors influencing the health of the workers were in the present study expressed in three different groupings: First, living conditions; second, working environment; and third, trade processes.

In the following table I have endeavored to correlate the living conditions with the physical condition of the worker. In so far as this condition may be attributed wholly or in part to living and working conditions. It is to be understood, of course, that the physical defects used as a basis in the classification of the workers would not necessarily result from the living conditions, but the lowering of resistance induced by these conditions, it was fair to suppose, would influence the extent of physical ailments resulting from the processes involved in the trade.

A summary of the table above mentioned, dealing with living conditions as related to physical conditions, is here presented:

Physical ailment.	Living conditions.		
	Good	Fair.	Bad
	Number	Number	Number.
Negative	111	67	68
Arm	11	6	3
Back.....	6	5	3
Limb.....	9	11	9
Inflamed eye.....	19	10	9
Tuberculosis.....	17	14	20
Deafness.....	2	.....	1
Total.....	175	113	113

When we compare the figures relating to living conditions with those relating to physical ailments we find the following distribution for males:

	Living conditions.		
	Good.	Fair.	Bad.
Negative.....	69.3	58.9	60.2
With physical ailments.....	30.7	41.1	39.8

While it is evident from the above figures that there was a higher proportion of physical ailment in the homes considered fair, or in poor condition, it is interesting that those coming from fair homes should present a somewhat

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higher proportion of physical ailments than those representing the homes of lowest type.

The distribution of physical ailments among the females was as follows:

	Living conditions.					
	Good.		Fair.		Bad.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Negative.....	104	78.7	78	80.4	88	78.5
With physical ailments.....	28	21.3	19	19.6	24	21.5
Total.....	132	100.0	97	100.0	112	100.0

From the above figures there exists no relationship between living conditions and physical ailments that may be attributed to the effect of trade processes.

That tuberculosis is a house disease has long been an acknowledged fact, and if the influence of living conditions were to be traced, this disease would undoubtedly show the most striking results.

Of the total number of 51 males having tuberculosis, 19 were living under good conditions, 16 under fair conditions, and 21 under very wretched conditions.

Among the females we find that out of a total of 25 cases of tuberculosis 5.9 per cent were living under good conditions, 8.2 per cent under fair conditions, and 6.3 per cent under bad, or less than those living under fair conditions.

While there were 12.9 per cent of tuberculous males, among the females only 6.5 per cent were affected.

These figures would seem to indicate a large percentage of tuberculosis among garment makers, and yet the number of active cases found was small; for the most part those found were either very early or quiescent lesions.

How this percentage would compare, in a similar examination, with the average in any other group of factory workers is, of course, not measureable, since the facts are not available.

Wages.—It was found that the average wage for males in the three most important trade processes, namely, operators, pressers, and basters and finishers, varied between \$13.23 and \$13.43 per week.

In the case of the females the operators were earning an average of \$7.59 per working week, the basters and finishers \$6.91, and the buttonhole makers \$8.58. It was also found that the workers with the same trade life experience working in factories classified as bad showed that 11.7 per cent were earning less than \$5 per week, 20.2 per cent were earning from \$5 to \$9 per week, and 19.1 per cent were earning from \$10 to \$14. From this group it is apparent that wages under \$5 per week is more common to bad than to good factories.

Working time.—The average weekly working time for males was found to be 55 hours per week. Overtime work was considered under system of pay. It was found that under the wage system the amount of overtime worked averaged eight weeks and under piecework system seven weeks and five days. For females the overtime worked was found to be under the wage system 12 weeks and 3 days, and under piecework 11 weeks and 3 days.

From the figures in this study the amount of enforced idleness for females averaged for the past year three weeks and four days for each worker, while for the males it averaged four weeks.

6. No.

7. The worst shops have already been described; the best were modern, well-equipped factories.

8. No.

9. Yes; on the average.

10. The figures of this inquiry show the percentage to be high—12 per cent for males and 6.5 per cent for females; for the total, 10.2 per cent.

11. The absence of comparative figures precludes an accurate deduction. The number of cases found, however, together with the other physical ailments distributed through the various occupations in this industry would point to ignorance both of physiological laws and personal and industrial hygiene on the part not only of the workers but also of the small factory owners, whose

negligence of sanitary standards is responsible for a working environment the influence of which spells deterioration. Both elements desire and need instruction, and this is a responsibility which can not much longer remain neglected.

12. Yes; in the finishing process both men and women complain of the strain on back and across the diaphragm due to posture—resulting in disturbances of the digestive functions. The eyes, too, suffered from close application to work.

In the analysis of the figures relating physical condition to occupation each work process was considered separately. Thus we find that the distribution of illness among pressers bears an interesting relation to the process of work.

These figures are interesting in that they show a distinct and gradual increase in the rate of physical ailments with advancing age. As the figures relating to pressers under 25 years of age are too small to serve as a basis of comparison, the figures for the pressers above that age will be considered.

These indicate that while the pressers under 35 and above 24 years of age had a rate of illness of 55.1 per cent in the last age group; 45 and over, which also represents the largest number of workers, the rate of physical ailment was 68.6 per cent, or over two-thirds of the total number of workers of this age.

The ailment most common to the pressers was a highly inflamed condition of the eyelids—conjunctivitis. Out of a total of 109 pressers, in 30, or 22.9 per cent, this condition of inflamed eyelids was present. That this eye condition is directly traceable to the condition of occupation can not be doubted. Several factors combine to create an environment favoring this condition: The steam vapor arising from the dampened materials, gas fumes from carelessly connected tubes, the heightened temperature and humidity of workroom, glaring gas jets in inadequately lighted rooms, no system or standard of ventilation, windows being for the most part closed, particularly during the winter months; each and all of these are contributory factors to this eye condition.

So far as the figures show, there is no relationship between advancing age and the frequency of this condition.

As the work requires a standing posture, it is not surprising to find that 13, or 11.9 per cent of the pressers are troubled with muscular strain of limbs, arms, back, shoulders, and a few cases of flat-foot. An analysis of the figures indicates the frequency of muscular ailment among pressers, directly traceable to occupation.

The figures relating to pressers affected with tuberculosis (13) are the same as those relating to ailments of the limbs, the largest proportion being among those of 35 years of age and over.

While the total number of pressers constitutes 27.1 per cent of the workers examined, only 25.5 per cent of the workers affected with tuberculosis belonged to this group.

In the case of the operators, on the other hand, we found 56.9 per cent of all the tuberculous cases, while they numbered only 48.5 per cent of the workers examined. These figures would seem to indicate that there is a larger proportion of tuberculosis among operators than among pressers.

It is significant that the only seven cases of deafness found among the workers examined were pressers. Whether this is due to the excessive and constant noises from pounding the garment into shape during the pressing process is difficult to determine, owing to the comparatively small number of pressers examined. It seems reasonable to suppose, however, that some relationship must exist between the effect upon the worker and the presence among the pressers of the only cases of deafness found.

In order to ascertain, as far as possible, the sickness (morbidity) experience of workers in the garment-making trade, an examination of the record of those hospitals and dispensaries located nearest the living quarters of these workers was made. Remembering, however, the faulty method of recording in use in hospitals at the present time, these figures are not accepted as an accurate basis of comparison. Out of a total of 41,487 records examined (exclusive of Phipps Institute records), 1,944 garment makers represented the following for males:

	Per cent.
Diseases of digestive organs.....	13.5
Neurasthenia.....	18.5
Other nervous conditions.....	2.7
Cardiac.....	4.7
Tuberculosis.....	19.7
Respiratory.....	12.2
Rheumatism.....	16.9

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It is to be observed from the above figures that 21.2 per cent are wholly nervous diseases, 18.5 per cent of which represent neurasthenia.

Of this group of cases, more than one-half are in the age division from 25 to 44 years. The largest single group of cases is to be found, however, under tuberculosis, which seems to have been most prevalent in the age group generally considered of maximum industrial efficiency, namely, 25 to 34 years.

The number of cases of rheumatism is also high, and this is especially true of the age groups 25 to 34 years and 35 to 44 years.

Among the female workers of 35 years of age and over the proportion having physical ailments was 20.8 per cent of the total number examined.

In the case of the male workers 38.8 per cent were found to be affected with illnesses closely related to the occupation. This would seem to indicate twice as great a frequency of illness among males as among females.

Tuberculosis was found almost entirely among basters and finishers, or there were 20 cases among this group as compared with 5 cases for all others combined.

Hospital and dispensary experience of garment workers according to age distribution.

Females	Ages					Total	Percentage of total -	
	15-19	20-24	25-34	35-44	45		Females	Males.
Digestive organs.....	31	14	3	4	3	55	12.14	13.5
Neurasthenia.....	49	32	26	9	2	118	23.84	18.5
Other nervous conditions.....	7	2	5	3	.....	17	3.75	2.7
Cardiac.....	6	2	7	1	.....	16	3.55	4.7
Genito-urinary.....	1	1	1	.....	.....	3	.66	2.8
Tuberculosis.....	25	25	21	5	6	82	18.76	19.7
Other infections.....	5	.....	3	.....	.....	8	1.76	1.9
Rheumatism.....	17	9	6	4	7	43	9.39	16.9
Respiratory.....	24	9	4	1	.....	38	8.39	12.2
Thyroid gland.....	9	1	1	1	.....	12	2.55	.5
Surgical.....	11	5	2	1	6	25	5.22	5.8
Eyes.....	8	.....	2	.....	.....	10	2.21	.8
Miscellaneous.....	14	11	3	4	1	33	7.28	.....
Total.....	.....	.....	.....	.....	.....	453	100.00	.....

For females the above table shows the following distributions of disease. It is to be noted that disturbances of the digestive organs represent 12.14 per cent of the total number of records examined. Among the males 13.5 per cent were cases of the same general character. In considering neurasthenia, however, it is found that there is a greater frequency of this disease among females than among the males, the former representing 23.84 per cent of the cases as compared with only 18.5 per cent among the males.

There were fewer cases of tuberculosis found among the females than among the males. This ratio was also true of the respiratory diseases. Among the females there were only 8.39 per cent of the total number of cases affected with these diseases, while among the males there were 12.2 per cent or about one-half more.

Contrary to common opinion, the effect of this trade upon the genito-urinary organs of females shows a low average. For the males the percentage is higher, being 2.8 per cent; and for the females, 0.66 per cent of the total number of cases.

The proportion of surgical cases was almost the same in both sexes. Rheumatism, however, is to be found in greater frequency among the males, 16.9 per cent of the total affected, while the percentage among females was only 9.48 per cent.

On the whole, it would seem that with the exception of neurasthenia and the diseases of the thyroid gland the females are less subject to illnesses directly traceable to occupations. Whether this is due to inconstancy as a factor in industry or faulty hospital recording is from the data at hand not determinable.

It is reasonable to suppose, however, that these two factors would determine to a considerable extent the differences in the distribution and frequency of diseases in the two sexes.

The conditions of home workers should be touched upon.

Among the Italians and several Jews this form of labor was carried on in the homes of the factory workers studied in this inquiry by other members of the family. For a representative group from the sociological point of view,⁸ however, 20 home workers without factory hours were selected for intensive study.

The evils begin in the small loft from which is carried on the heads, backs, and arms of women and children the heavy bundles of clothing, and so transported through the streets. These usually weigh more than the children who carry them, and not infrequently the physical condition of women is such that the weight is a positive injury.

These workers were occasionally followed from the factory to their homes, frequently a distance of 25 blocks. Here the living conditions are not unlike those of the same racial group employed in the factories. In few instances was the home work the result of economic pressure, but rather, among the Italians, satisfied the desire to "make money," to "help along," or to fill in leisure time. The irregularity of employment of the male wage earner, however, occasionally forced this condition upon the home.

The effect of home work upon children of school age was investigated from the point of view of school attendance, and, unlike the experience of New York, was found a negligible influence.

In none of the largest schools located in the living districts of garment makers, both home and factory workers, was any influence to be traced to school attendance and scholarship.

The department of health reports 2,500 home workers in this city to whom work permits have been issued. While this permit is required by the department for each worker, the laxity of manufacturers in this connection has made possible dozens of infractions of this law.

The working hours of home workers are, of course, irregular in the extreme, not uncommonly found from 5 a. m. to midnight, for wages one-half of that earned at the factory.

In the light of present knowledge, and the possibility of disseminating disease, this form of manufacture constitutes a grave danger.

The remedy lies in complete prohibition of manufacture in the homes.

In conclusion—the importance of medical examinations of industrial workers, if comparative morbidity rates are to be established, can not be over-emphasized.

The ideal should be compulsory preliminary examination of all workers entering each trade, supplemented by periodic examinations during their employment in the trade.

Only by such authoritative examinations will it be possible to determine the effects of an industry upon the health of workers in it and to establish effective measures for the prevention of occupational disease.

BLANKENBURG EXHIBIT.

Attorney's report to the board of directors of the Legal Aid Society of Philadelphia for 1913.

1. Number of cases.....	3,479
2. Number of men clients.....	1,251
3. Number of women clients.....	2,225
4. Number of colored clients.....	361
5. Amount of fees collected.....	\$683.21
6. Amount recovered for clients.....	\$3,987.66
7. Commissions on recoveries.....	\$166.25
8. Notes recovered from loan companies.....	10
9. Recovery of personal property.....	38
10. Support cases successful.....	53
11. Sources from which cases came:	
Friends.....	943
Newspapers.....	878
Former clients.....	243
Sent by former clients.....	341
Direct.....	111

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11. Sources from which cases came—Continued.

City hall.....	165
Attorneys of city.....	27
New York attorney.....	1
Police.....	70
Magistrates.....	231
Members.....	19
Western Union.....	1
Jefferson Hospital.....	1
County prison.....	6
British consul.....	1
Other hospitals.....	3
New York Bureau of Immigration.....	2
Y. M. C. A.....	2
Other legal aid societies.....	16
Other charity societies.....	196

12. Subject matter of cases:

Matrimonial and domestic differences.....	724
General advice.....	895
Wages.....	429
Collections.....	251
Decedent's estates.....	93
Real estate.....	103
Negligence.....	115
Neighborhood quarrels.....	63
Recovery of personal property.....	143
Custody of children.....	84
Criminal.....	128
Landlord and tenant.....	203
Insurance and benevolent claims.....	104
Complaints versus attorneys.....	37
Loan companies.....	32
Adoptions.....	6
Support.....	49
Contracts.....	11
Pensions.....	5
Patent.....	1

13. Letters asking for advice..... 217

ARTHUR E. HUTCHINSON, *Attorney.*

Treasurer's report to the board of directors of the Legal Aid Society of Philadelphia for 1913.

Balance Jan. 1, 1913.....	\$61.91
Receipts:	
Contributions.....	\$1,618.50
Fees.....	681.21
Commissions.....	166.25
Interest.....	.44
	2,468.40
	2,530.31
Expenditures:	
Attorney.....	712.00
Stenographer.....	825.00
Rent.....	405.00
Telephone.....	120.60
Postage.....	112.79
Office expenses (see vouchers).....	334.88
	2,510.27
Balance Jan. 1, 1914.....	20.04
Debt (due to attorney).....	225.00

HARRIE B. PRICE, *Treasurer.*

THE COOPERATIVE PLAN OF THE PHILADELPHIA RAPID TRANSIT CO.

(For exhibits under this subject, see pages 2809 to 2816.)

COMMISSION ON INDUSTRIAL RELATIONS.

PHILADELPHIA, PA., *Tuesday, June 23, 1914—11:30 a. m.*

Present: Commissioner Weinstock, acting chairman; Commissioners Lennon and O'Connell; also E. H. Bustek, special counsel.

TESTIMONY OF MR. THOMAS E. MITTEN.

Mr. BUSTEK. Mr. Mitten, you are chairman of the executive committee of the Philadelphia Rapid Transit Co?

Mr. MITTEN. Yes, sir.

Mr. BUSTEK. How long have you occupied that position?

Mr. MITTEN. A little more than three years.

Mr. BUSTEK. Prior to that time you were in the executive capacity with the Chicago Street Railways?

Mr. MITTEN. Yes, sir.

Mr. BUSTEK. Just what was that, Mr. Mitten?

Mr. MITTEN. President of the city railways.

Mr. BUSTEK. In Chicago I believe that the city railway had trade agreements with the labor unions?

Mr. MITTEN. They did.

Mr. BUSTEK. In Philadelphia I understand there is no collective bargaining on the side of the men?

Mr. MITTEN. There is not.

Mr. BUSTEK. And you are the father of what is known as the Philadelphia co-operative idea, I believe, and the commission wishes to get you to explain what this co-operative scheme is—what started it, what the results have been, and what you have accomplished with it.

Mr. MITTEN. It gives me great pleasure, gentlemen, to have this opportunity; and let me say that the co-operative plan was born of a necessity, born in adversity, and has succeeded beyond our expectations in the face of most trying conditions. In 1910 a situation developed in Philadelphia that was most serious. There had been a strike in 1909, followed by one in the spring of 1910. As Mayor Plunkenburg has told you, these strikes were accompanied by riot and bloodshed. They cost the city and the companies a million dollars, and the men themselves lost more than a half million in wages alone. The service itself was demoralized, principally because the men were divided into factions. The discipline was so lax and the feeling between the members of the rival organizations which then had a large membership here had served to increase the accidents. The schedules were interrupted because of the strikes and these general bad conditions; the cars were in a deplorable condition. In fact, I can think of no situation worse than that which existed early in 1910, when I was asked to come here and see what, if anything, I thought could be done with the situation. I was asked to come here by Mr. Stotesbury, who, having done a great deal in a public-spirited way, had been appealed to by the city and by the stockholders of the company to assume control of the policy and business management of the company. I had been supposed to have had some considerable success in the handling of labor and in the handling of difficult problems in the way of street railway service, and had secured some measure of success, and for that reason, I believe, I was asked to come here.

The company, in its situation, had its credit seriously impaired because of these very bad conditions, and its most serious problem perhaps was the providing of funds necessary for the rehabilitation of the property, which, as I said, was deplorable. The financial part was arranged so that new cars might be purchased and the property rehabilitated, and then the new management took hold of the property with the understanding that within five years it

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would produce an adequate system of transportation to the public and such increased wages and improved working conditions for the men as cooperative efforts might make possible, but to the stockholders it promised nothing in the way of returns until both of the other questions had been satisfactorily disposed of.

Then, of course, the question of having provided for the purchase of cars and the bringing of the system up to a state of operating efficiency, so far as physical conditions were concerned, the wages of the men and the handling of labor was my problem. I found that the men were then receiving 21.8 per cent of the gross passenger receipts in payment of wages and sick benefits and such things as were done for the men— in wages and that which corresponded to remuneration for services. I recognized that there were great possibilities in that percentage of the gross if I was able to secure the cooperation of the men, so that we might together strive to an end instead of working in opposite directions.

I knew that by the purchase of cars perhaps twice as large as those which were then being operated that the uneatable cost must necessarily drop as compared with the earnings. I knew that we were pretty sleepy and that with proper help from the men the cars could be speeded up to the advantage of the public, and certainly to the advantage of the possibilities of the wage scale which existed in this percentage of wages. So I worked out a plan which contemplated the putting of 22 per cent of the gross passenger receipts into a fund from which wages should be paid—wages and all other things which went to the men in the way of compensation, and then I planned to have a cooperative committee, choosing that instead of a grievance committee, because I hoped, as had proved to be the case, to avoid the grievance by removing the cause of a trouble before it became a grievance. I put out a plan which I shall be glad, if your commission has not been supplied with, to supply it to you of the proposed workings of this cooperative plan, setting up that 22 per cent of the gross passenger earnings should be placed in this fund, and providing for the establishment of a cooperative committee composed of a representative of the men from each depot and the superintendents of the company.

The situation at that time was that so far as I could be told from the conductors about one-half of our men were members of the Amalgamated Association, with whom I had had contractual relations in the city of Chicago. The remainder seemed to be about equally divided between the members of a so-called organization called the Keystones and those who did not seem to be affiliated with any organization. Here was a situation that was the source of a great deal of disturbance in the force. The members of the rival organizations were knocking each other, and I determined that nothing really could be accomplished unless I could get unity there. Having had some success with that in the past, I was quite certain that I could get the same thing here. In order that the attitude of the company, in view of this very mixed situation, should not be in any way misunderstood, I put in this cooperative plan the statement that the management did not take a position either for or against organized labor. It did say that this condition then existing could not go on with any hope of satisfactory results either to the public, to the men, or to the company, and I set forth a plan in this booklet by which, if two-thirds of the men by secret ballot determined that a contract should be made by the company with organized labor on the basis of the cooperative plan, the company would make such a contract, but while it could not require any of its men to belong to a labor organization it could, if there was so large a majority as two-thirds of its men desired that a contract be made with members of the labor organization, pay from the 22 per cent fund the sum of the dues of every man. My thought, as then expressed, was that by so doing we would eliminate that continual cause of trouble of collectors of dues at the station, of organizing upon the cars, and would eliminate absolutely the necessity of wearing union buttons, which was causing a great deal of difficulty, because in one section the men would wear one and the men on another section another, and very often we would get two men on a car wearing the different badges and both working at cross purposes.

The representatives of both the Amalgamated and the Keystone organizations agreed to the cooperative plan; and I had said in the plan that at the request of either one of the organizations such a vote would be taken. At the request of the Amalgamated such a vote was taken and the result of it signed by myself, and no question was ever raised, but everybody was satis-

fied as to its being a proper and fair vote. The vote was not quite two-thirds, but was 350 votes short of polling the required two-thirds. But before any move was made beyond the taking of the vote a split-up occurred in the Amalgamated Association here locally, so that I had a condition to deal with where there were three sorts of buttons being worn by the men—the Amalgamated, the Keystone, and the badges worn by the split-off organization which followed a local leader here, Mr. Pratt. In some of those factions there seemed to be 25 per cent of the total, while a number equal perhaps to about 40 per cent were wearing no badge at all.

During that time or about that time Mr. John Mitchell came here, and, with the Central Labor Union, endeavored to adjust the matter between the Amalgamated Association and the other party. This, of course, was hearsay on my part—this latter—but without result; and it was given up. I then notified the men that the vote being as it was and the situation as it was that we would deal with the men as individuals, the plan providing that at any time one-third of the men by petition requested, another vote would be taken, that being, to my mind, a precaution that the men should have as against unfair dealing on the part of the management, or a change in the management, at any rate they should have that opportunity at any time.

The plan was put into effect, and, at the outset, there was so much bitter feeling between the men that it was very difficult to know just how to go to work to get representatives from the depot to act upon the cooperative committee. As a start, I had them selected by the superintendents. Then, in April, 1912, I had the men suggest the names of those whom they desired to represent them by signing their names. At that time about 80 per cent of the men signed their names, but the division followed almost the division of the original leadership, which gave me such a situation that to have selected the first man or the higher-number man at each depot would not have given me a fair representation. In other words, he would have been the representative of one lot of men and not of the other. So I took, then, the man that had the highest and the next highest number of signatures. Then, I think, perhaps some months—quite a few months—later we adopted a voting machine by which each man could vote by secret ballot, and still continued the plan of the first and second cooperative committeeman from each of the depots. That has gone along to the place where now it is our plan to take such a vote at each depot as nearly once a year as possible, giving the men the opportunity of recall.

Of the 14 depots which now exist 12 have been voted within the 12 months, 2 more remaining to be done. As showing the interest of the men in that cooperative committee, approximately 98 per cent of the men vote. Something over 80 per cent of the men in the 12 depots that have voted have voted for the men who have been elected. There, gentlemen, I think I have told you the bringing up to, What have we accomplished?

In considering the result of any plan which has to do with the serving of the public, the result to them must necessarily be given some consideration; therefore in giving the results, as I shall, to you that is perhaps woven in more or less. The undertaking which we hope to accomplish here is twofold at least, and threefold when we get to the place that the two first problems have been adequately met.

The results of the cooperative plan have done all that we thought; that is, we in the management and, I think, largely the men, feel that it is a step for themselves if it be as good as we think it is.

Acting Chairman WEINSTOCK. Just a point of information here: By the cooperative plan, are we to understand that the workers have a fractional voice or even voice in the settlement of the questions that come before your cooperative committee?

Mr. MUTTENS. The large voice?

Acting Chairman WEINSTOCK. Well, about what percentage of the whole voice?

Mr. MUTTEN. Well, I can perhaps better tell you that as I go along in my story. There are some things in which they should have the full voice. They shall have it. That which it is possible to give to the public in the way of service, both in the way of added investment in new equipment as well as in the operation of them and the courtesy of the men, must depend largely upon the relations which the company bears—the company with its men bears—to its men.

It is rather difficult for one who has been close to this work to look back three years and see the situation as it then existed, and many of our men with whom I have talked recognize that difficulty. That was so awful that with

the situation as we have it to-day is hard to understand it ever did exist. The cars in which the public are now carried offer a striking contrast with those of 1910. About two-thirds of the cars then were four wheelers, and all of the equipment was nonpainted, unfit, and in insanitary condition. More than three-quarters of the cars to-day are of the new type. All are maintained in a safe and sanitary condition, and, because of the cooperative effort between the men and the management, smoking upon the cars has been entirely eliminated, while the offensive habit of spitting upon the floor has been reduced to a negligible quantity. That, gentlemen, could not be accomplished unless your men were working with you. It has now, I believe, been conceded that the public is receiving a much more adequate service than formerly, and that there has been a general improvement in the treatment received by the public at the hands of the motormen and conductors. Let me say, as bearing on that, that there is to-day in the way of complaints received at the office an 80 per cent decrease in the complaints put in by the public, as compared with three years ago. Although nearly 20 per cent more passengers are carried to-day than at the time immediately preceding the inauguration of the cooperative plan, the number of accidents has been decreased 25 per cent, and the number of fatal accidents has been decreased 35 per cent. This means that over 20,000 additional passengers are carried to every passenger injured. Expressed in other words, we now carry 72,747 passengers for every one injured. We did carry in the first year of the operation under the Stotesbury management but 52,067. That has been accomplished in this three years.

Now, let me say, gentlemen, as bearing on that, that that accomplishment of an increase in speed with a decrease in accident, while it means improved mechanical appliances on the car and the introduction of every known safety appliance, it means a great improvement in the human agency and care, and I say to-day that I believe we have—most courteous, careful, and efficient body of motormen and conductors in America.

The wage question at the time that I published the cooperative bulletin I told the men that I believed with cooperative effort the introduction of the larger cars, the increase in speed, and the improved operating conditions, that it would be possible to increase the wages from the then maximum of 23 cents an hour to a maximum of 28 cents an hour in the year beginning June, 1915. We have, gentlemen, accomplished an increase of wages from 23 to 30 cents, 7 cents an hour within half the period—a greater increase of wage, I believe, than has been accomplished in any city under any conditions in the same length of time. That is a maximum of 30 cents an hour. The scale is from 25 to 30. Forty-seven per cent of the men are receiving 30 cents.

Acting Chairman WEINSTOCK. Is that scale increased by length of service?

Mr. MITTEN. After the first year. The new men get 25 cents. They used to get 22 cents. And that scale runs in this way, that you may see the real effect of your old men staying. But 5.42 per cent of the men are 25-cent men; 7 per cent are 26-cent men; 10 per cent are 27-cent men; 14 per cent are 28-cent men; 16 per cent are 29-cent men; and 47 per cent, almost 48 per cent, are 30-cent men. Our average wage to-day is 28.83 cents, as against 22.8 cents when we started.

Commissioner O'CONNELL. Do the hours follow there?

Mr. MITTEN. The hours?

Commissioner O'CONNELL. The hours of labor?

Mr. MITTEN. I will come to that. There was also established, as bearing upon the remuneration of the men accomplished, a cooperative beneficial association which pays a sick benefit of \$1 a day for 100 days following the first week's illness and a death benefit of \$150. The entrance fee is 50 cents with monthly dues of 25 cents. I found that the company was furnishing meeting rooms, light, heat, and janitor service, printers' services for 11 independent sick-benefit associations having a membership among the employees.

The associations were too limited in their scope to cover the entire force of the employees, and quite a large portion of their membership was composed of ex-employees. A cooperative beneficial association was therefore formed to include the employees of all departments, and, in lieu of the assistance formerly extended to the independent associations which, incidentally, had nothing to do with labor organizations, the company agreed to increase its contribution toward this end, by contributing to the new association an amount equal to the entrance fees and dues put in each month, and to bear the expense of the management of the association.

A cooperative buying plan was also established.

Mr. BUSIEK. Pardon me a moment just there. Was the company's contribution to this fund—is that taken out of the 22 per cent?

Mr. MITTEN. No. A cooperative buying plan was also produced by the cooperative committee, and with the aid of the management, of course, by which all members are enabled to make a saving of 8 per cent in the purchase of the necessities of life.

Acting Chairman WEINSTOCK. What does that include?

Mr. MITTEN. Everything; covers, perhaps, everything; about 100 stores.

Acting Chairman WEINSTOCK. Food and clothing?

Mr. MITTEN. Yes, sir; everything. That list includes perhaps 100 stores.

Mr. WEINSTOCK. Oh, I see.

Mr. MITTEN. In all localities.

Acting Chairman WEINSTOCK. They buy from the existing stores?

Mr. MITTEN. Yes.

Acting Chairman WEINSTOCK. They haven't any independent cooperative shops?

Mr. MITTEN. The plan I thought was very much better, the independent establishment in that it gave every merchant an even pitch-in.

Acting Chairman WEINSTOCK. And they are running that at the risk of the management?

Mr. MITTEN. And they contracted with various merchants, headed by Strawbridge & Clothier, one of our big department stores, and followed up, so far as we could get them, the stores in which the men traded in around the depots, including coal merchants, by which the men bought from the cooperative committee books with the 8 per cent off, those books being accepted under contract as cash, and carrying with it all the buying ability of cash at these various stores. They made no accounting. There is no obligation to any man to use them.

Acting Chairman WEINSTOCK. A postage stamp idea?

Mr. MITTEN. Something on that order. You will remember that I have said that about 98 per cent of the men now vote for their cooperative committee, and something over 80 per cent as a result of the last 12 stations actually vote for the men that represent them.

The membership in the cooperation plan, beneficial association, which covers the cooperative buying also, of the 10,000 employees in all departments of the company, 9,013 are now members.

Acting Chairman WEINSTOCK. Nine thousand and thirteen?

Mr. MITTEN. Out of 10,000. Whether or not employees would like to become members of this association and enjoy its advantages rests solely with themselves, and all are given to understand that any decision that they may make in this matter does not in any way affect their rights or standing with the company. There is no obligation nor an attempt to make an obligation upon any employee that he join or have to do with it.

The benefits paid by this association since its organization are 99 death benefits of \$150 apiece, and 1,859 sick benefits, a total of \$6,400 or \$6,500; and the sick benefit has, of course, been a very, very advantageous thing.

We have also opened for all employees two years or over in the service, without any cost to them, a death benefit of \$500, and a pension of \$20 a month for men over 65 years who have been 25 years in the service, for the remainder of their lives. The latter has not to do with the cooperative plan, and I only mention it as pointing to what is being done.

Acting Chairman WEINSTOCK. Does that come out of the 22 per cent?

Mr. MITTEN. That was one of the things that was in effect prior to the cooperative plan. Therefore, such payments as are made from that to the men who receive their wages from the 22 per cent fund, come from that fund. That fund, as well as the other fund, is administered largely by representatives of the men themselves. I have found them most jealous in being sure that the payments made out of the 22 per cent fund are proper and should be paid. They have that interest in it.

As another evidence of what that cooperative committee is doing the motor-men and conductors are now, I believe, securing a higher grade of uniform at a lower price than is enjoyed by the employees of any street or steam railroad in the country, and the marked improvements in the general appearance of the men has excited universally favorable comments.

What these men have accomplished in that regard as different from that obtaining elsewhere is that they deal directly with the wholesaler. They also

deal so that the man may have the union label or not, as he pleases; but they push aside the middleman, and they are buying to-day their uniforms from a ready-made at \$11.75 to a tailor made at \$13.25, that scale of prices. No uniform is accepted. They are all delivered at the cooperative headquarters, and the cooperative committeemen on duty at all times—a representative there—sees that the man gets what he pays for or it does not go.

Acting Chairman WEINSTOCK. The hour for adjournment has now arrived. May we ask you to be with us again at 2 o'clock?

Mr. MITTEN. I will be very glad to.

(Recess taken until 2 o'clock p. m.)

AFTER RECESS—2 P. M.

Acting Chairman WEINSTOCK. The commission will come to order.

Mr. BUSIEK. You may resume again, Mr. Mitten, but I would like to ask you to speak a little bit louder than you did this morning, because the people in the back part of the room are interested, too.

Mr. MITTEN. I had reached the subject of discipline. The basic principle of discipline under the cooperative plan is that the penalty for the infraction of any rule shall be no more severe than is found by experience to be necessary to insure proper service to the public and to the maintenance of proper discipline. One of the first things in that regard which we found it necessary to do was to do away with the practice of requiring conductors to go and apologize to passengers. That was quite a favorite way of punishing the men in the old days, and perhaps a very unfair attitude to take. That has never been done under the cooperative plan and has never needed to be resorted to. The old practice of discharging men as a punishment and thereafter reinstating them through the influence of others, irrespective of the merits of their case, is not now permitted. It did not use to be so much the question of whether a man was properly discharged, but of how influential his friends were in getting him back. It became very difficult to have the men understand, under the new plan, that a discharged man was discharged, and that it did not mean merely a suspension. Under the cooperative plan discharge is resorted to only as the last resort, the cooperative committee being most effective in preventing the discharge of motormen and conductors by advising them to mend their ways and by assisting in presenting all the facts to the superintendent of transportation, in order to insure a thorough understanding of the true merits of the case. After all, in considering a method of discipline, the character of the service received under that method, namely, the decreased accidents, more care for the operation of cars, and courtesy to the public, on the one hand, and the few discharges on the other, constitute perhaps the fairest and best analysis to subject it to.

A cooperative committeeman does not act in his work in getting a man returned to duty after being discharged, because we do not discharge the man until sure that he must be discharged; but they do prove most effective in correcting by suggestion to the men those things which must lead to discharge if continued. The result of this plan and of the work of the cooperative committee is perhaps best evidenced, as I say, by the quality of the discipline now maintained, which I think must be agreed by anybody to be far superior to that ever attained here before, as against the number of men whom we find it necessary to discharge in maintaining that standard of discipline.

Mr. BUSIEK. Has the cooperative committee any power to set aside any discharge, or has a man any right to a hearing before the cooperative committee when charged with any offense or with an infraction of any rules?

Mr. MITTEN. In 1911, 1,395 men were dismissed. That was 1 in every 5. In 1912, 855 were dismissed, being 1 out of 8; in 1913, 536 were dismissed, or one out of every 12; in 1914, 331, or 1 out of 20.

As bearing upon the worth-whiteness of the job, the resignations are significant: In 1911, 1,390 men resigned; in 1912, 913; in 1913, 956; in 1914, 337.

With the cooperative committee, a book of rules was prepared on the lines that I have described. That I think being the first instance where rules for the government of the men have been prepared by the officers and the men's representatives jointly.

Under the cooperative plan the rules of the hours of service, which you spoke of sometime ago, are handled practically by the men themselves. You have on the one hand 22 per cent of your gross passenger earnings which represents that sum which you have agreed to pay for the service. On the other hand,

you have a required number of cars on the street at the hours necessary to properly serve the public. Those two facts being established, you may largely leave it to the men as to how the runs shall be made. In the street railway business, to properly care for the needs of the public, you must cover a peak load in the morning and a peak load in the evening. To cover those two peaks in Philadelphia requires a space of from 13 to 14 hours, to cover it in the morning and in the evening, the peaks. Therefore, to economically use the 22 per cent fund quite a considerable number of your runs must have a hole in them, as the men say, covering the morning peak, a rest, and cover the evening peak.

When we came here quite a number of the runs, or some of the runs, covered a period of 16 hours over all. We determined that that could be done in 14 as a maximum. They were operating to serve the public, a very limited extra number of cars in the evening hours. It, therefore, became necessary to serve the public that we materially increased the number of cars in the morning and in the evening as against that which were operated. We have increased the rush-hour service in car seating capacity 50 per cent in the rush hours as compared to when we came here. Then, as I say, determining what services we must give to the public, there being no question of what you are to pay for it, there is no reason why the cooperative committeeman shall not have pretty well the voice as to how the division is to be made. If you are to have a lost motion, or pay for work not performed, that must naturally be reflected in the rate of wage the 22 per cent fund will pay. So that the superintendent of time tables, determining from his traffic checks the service required, puts the cars upon the street. The cooperative committeemen from the depot, where those cars will be operated from, then come in and go over the division of the rates, how they shall be cut to pieces, the runs rather, and that is the decision made in each instance. So that if you will be sure in the first instance that the men, through the desire to make a large wage, be not permitted to run such hours as interfere with their effectiveness in the way of care to avoid accidents on the other, and if on the other hand you do not allow such small hours the service put in has to make the man's wage inadequate, the company's or the management's end of it is practically covered. In that way we pay 9 hours minimum for a regular run, even though it may be only 8 or 8½ service. No man is required to work a run that covers more than the 14 hours over all, in which there would be a large hole in the middle.

I think that I may say that since we have got a service to the public that we believe will compare well with that of any other city, that our men in selecting the representatives for the cooperative committee, 98 per cent of them vote, the actual men who are elected receiving the vote of over 80 per cent. The fact that voluntarily nearly all our employees belong to the Cooperative Beneficial Association and that, in the last vote as to the continuation of the plan with the individuals, over two-thirds of the men voted for such continuance. That, taken into consideration with the increased wages, the general feeling of the men as you might find it expressed upon the cars, the general attitude of the men toward the management is, to our minds, perhaps, the best evidence of the possibilities of this method. That, gentlemen, is all that I have to say.

Mr. BUSHEK, Mr. Mitten, of course, this is only valuable to this commission as it might be employed generally, as this commission inquires into conditions all over the country. We want to get your ideas as to how it might work out in other cities. Now, first, from your experience as a street railway man, what proportion does the 20 per cent of the gross earnings, or how does the 20 per cent compare to the percentage paid in other cities, is that approximately the same?

Mr. MITTEN. A little higher than ordinarily; 22 per cent in Philadelphia is equal to 23 per cent of an ordinary surface line, for the reason that at least--or because of the fact that a part of our system is elevated, and on an elevated system the percentage of the gross earnings used in the payment of trainmen's wages is nearer 12 than 22 per cent. The unusual conditions here, in addition to the elevated, are 3-cent exchange, for instance, that makes the rate so that, conservatively, I should say that 23 per cent of an ordinary surface system would be the same as 22 per cent here.

Mr. BUSHEK. You don't have the universal transfer system here?

Mr. MITTEN. We do not.

Mr. BUSIEK. And that increases the cost per passenger carried considerably, doesn't it?

Mr. MITTEN. It increases——

Mr. BUSIEK (interrupting). Or your revenues?

Mr. MITTEN. No; it does not increase the cost per passenger carried; it increases the revenues per passenger carried.

Mr. BUSIEK. That is what I mean—that is, per passenger carried, you can afford to pay more in wages than other railroads, couldn't you?

Mr. MITTEN. Well, it is not a question of per passenger carried; it is a question of the gross amount received. We are not dividing it on the per cent of passengers carried. It is the whole amount we are talking about.

Mr. BUSIEK. But it costs less to do business per passenger here, or proportionately, than in other cities, does it not, because you receive more per passenger here?

Mr. MITTEN. I should say so, because so large a proportion of our operating cost is based upon arbitrary figures; as, for instance, the 22 per cent of the gross passenger earnings is set aside for trainmen, 15 per cent of which we set aside for maintenance and renewals. There you have at once a large proportion of the entire operating expenses in arbitrary figures.

Mr. BUSIEK. Well, is that higher, for instance, than the lines which you managed in Chicago?

Mr. MITTEN. The trainman's per cent, as I recollect it, was very close to 22 per cent in Chicago.

Mr. BUSIEK. To go back to the question of the grievances of employees; suppose one of your superintendents should discharge an employee, would he have a right to take up the matter of his discharge with the grievance committee, or not with the grievance committee but with the cooperative committee, and would they have any power to help him out if they thought he was suffering from wrongful discharge?

Mr. MITTEN. No superintendent, as ordinarily understood, has the power of discharge.

Mr. BUSIEK. Where does that power lie?

Mr. MITTEN. With the superintendent of transportation who meets with the members of the cooperative committee individually almost daily. The failure or the delinquency of any man as it occurs is, as a general matter, called to the attention of the cooperative committeeman from the depot where the men may be located, and the large decrease in discharges as shown by the figures which I read are largely brought about by the work of the cooperative committeemen in saving the men from discharge.

As I have said, in considering a question as big as this, to my mind, it is not a question whether you discharge John Jones or Jim Smith in considering the proportion in the large way your commission is dealing with it, at least, but what is the effect on the discipline and what percentage of their men do they find it necessary to dismiss. The real answer to the proper administering of the discipline being those figures which I have given you speaks of the satisfaction of the men in continuing the plan.

Mr. BUSIEK. But take, for instance, if this plan were to be put into effect in some city where there is a strong organization of employees, organizations of that kind usually have grievance committees, and part of the agreement with their employer is that no man shall be discharged except for proper cause, and that is also passed upon by the grievance committee. Is there any such protection to the workman contemplated by your scheme?

Mr. MITTEN. Our plan is somewhat different in that it remedies the cause for the discharge before the discharge takes place. In the event of a discharge taking place, the cooperative committeeman from that depot takes the matter up and is given free access to the cause of the discharge with the superintendent of transportation to be shown or to show that the case has not been properly handled.

But the discharge is not resorted to except in the most flagrant cases, where there could be no comeback, as a man being grossly dishonest, caught with the goods, drunk on the floor of his car, or something that is bad. In other cases the man is suspended, and he immediately goes to his cooperative committeeman, who very promptly comes down and goes into the case, and probably a majority of this large difference between 300 and 1,600 men discharged lies in the fact that those cooperative committeemen sometimes almost pledge themselves for the good behavior of the fellow; that they are going to watch him. And many, many young men, particularly, have been saved, and some of the older men who got into the habit of tippling, and it comes to our attention, or got really care-

less—not dishonest—in the registration of fares, and the cooperative committeemen really make it their business to follow that fellow; and I know that the superintendent of transportation in many cases has said, "Well, now, there, is Smith getting careless." I have got in mind, for instance, one young man who got into a crazy notion he had to arrest every passenger that did not please him, and the superintendent of transportation said to the cooperative committeeman, "You have got to make that fellow stop it; I have talked to him, and we have to let him go if you don't." Well, I believe the cooperative committeeman has labored and labored with that fellow, but he has got it in his nut that—or feels he has got to have these fellows arrested. Whether we stop him or not, I don't know, but that is the effort.

I have in mind another old employee, a good man, who has been tipping, and I know the cooperative committeeman is out now for the purpose of saving him. Now, to have these men fired and then have them put back through pressure does not leave that man as effective as an employee by any means as this method of not subjecting to the discharge, but when you discharge a man make it a discharge; wear out all your possibilities of making a good man of that fellow before you dismiss him.

Mr. BUSIEK. Now, as I understand it, there are several organizations represented amongst your employees; there is the Amalgamated Association of Street and Electric Railway Employees of America, and then there is the Keystone Union, which is purely the local followers of one Pratt——

Mr. MITTEN (interrupting). Well, they have a name.

Mr. BUSIEK. What is their name?

Mr. MITTEN. What is their name, Mr. Pratt?

Mr. PRATT. Street and Electric Railway Employees' Protective Union.

Mr. BUSIEK. And then, there are some who belong to no organization whatever. Do you feel that your plan works more effectively dealing with the men individually than it would work, in your judgment, if you were dealing with the men as an organization?

Mr. MITTEN. Well, it has worked most perfectly. The results have been truly wonderful as now in force. The other question is a matter of conjecture.

Mr. BUSIEK. You have, I believe, said that you had had dealings with the Amalgamated Association of Street and Electric Railway Employees in Chicago?

Mr. MITTEN. I did.

Mr. BUSIEK. Which do you consider the better system—the results obtained under our present forms of conducting your negotiations with the employees or that of a contract with an organized body?

Mr. MITTEN. I don't think that that is a proper comparison. The cooperative plan is a plan, be it in effect with the men as individuals or be it in effect with the men in organization. If you compare the cooperative plan with the ordinary hit-and-miss method, there is no comparison again, because the cooperative plan produces real results and good ones. The hit-and-miss method has not produced peace, so far as I know, anywhere yet—or lasting peace.

Mr. BUSIEK. What is the attitude of the company here toward the union? Would it rather see the plan continue as it is, or would it like to put the plan in effect between itself and some strong union?

Mr. MITTEN. It is not a question of like or dislike. The company's position is clearly set forth in its determination to do that which the men desire. If two-thirds of the men desire to deal with an organization under the cooperative plan, then the company would and has always signified its willingness to do so.

Mr. BUSIEK. It would continue the cooperative plan, but deal with the organization instead of the individual?

Mr. MITTEN. Quite so; and you will find that very clearly set forth in the cooperative-plan booklet.

Mr. BUSIEK. You will furnish the commission with the booklet?

Mr. MITTEN. If they haven't it. Here is my little library, of which I am reasonably proud.

(Witness here produces five booklets and one pamphlet, which are marked, respectively, "Exhibits J to G, inclusive, Witness Mitten, June 23, 1914.")

Mitten Exhibit No. 1, Cooperative Plan and Auxiliary Work, August, 1912; Mitten Exhibit No. 2, Cooperative Bulletin, —, 1-6, February 17, 1912; Mitten Exhibit No. 3, Cooperative Bulletin —, 7-12, July 29, 1912; Mitten Exhibit No. 4, Cooperative Bulletin —, 13-18, March 24, 1912; Mitten Exhibit No. 5, Cooperative Bulletin —, 19-24, July 1, 1913; and Mitten Exhibit No. 6, Coop-

erative Bulletin No. 25, December 18, 1913, all issued by the Statesbury management, were submitted in printed form.)

Mr. MITTEN. You will find there, gentlemen, its advantages better set forth even than in testimony I could give to you, because it contains what was said at the time, in no way manufactured for presentation, but dealing with each vexed question as it arose; and we are quite willing to be judged, in so far as fair dealing is concerned, by our treatment of those questions.

Local questions, of course, have nothing to do with the merit of the cooperative plan. As you have remarked, it is the question of the cooperative plan as it might be applied elsewhere.

Mr. BUSIEK. Do you have any recreation rooms or gymnasiums for the men at the barn?

Mr. MITTEN. Well, I had an experience in Chicago in that regard. I had the idea that it would be very nice to have theatricals, dances, shower baths, and bathrooms; and I remember an old war horse of the union, Mr. Buckley, saying: "That is all right, Mitten; that is splendid. But we would rather you would give us the money and we will buy them ourselves." And I have not attempted to buy the amusements since. The only thing we do do is to give the men room enough to take their lunches and rather a relaxation room; and they on their own account, both in Chicago and to a limited extent here, have by clubbing together and things of that kind got such things in the way of diversion as they have seen fit.

Mr. BUSIEK. You were speaking a while ago of the longest runs being 14 hours with an interim between the peak loads where the men do not work. How much time is supposed to be in the period of actual running hours?

Mr. MITTEN. From 9 to 11 hours, I believe. That is only exceeded, I think, upon special request from the men.

Mr. BUSIEK. Are they allowed to go home during the time they are not required on their cars, or do they stay at the barn?

Mr. MITTEN. Oh, not on that question—I think they are free—they are not held. They are held only for the time for which they are paid. That answers your question. They are out only during the time for which they receive pay.

Mr. BUSIEK. Are they paid for all the time at the barn?

Mr. MITTEN. Yes, sir.

Mr. BUSIEK. How about extra men, are they required to report? Do they receive any pay?

Mr. MITTEN. Those men receive a guarantee—a minimum of \$12 a week.

Mr. BUSIEK. What percentage of the men, if you know, are on straight runs—got on the car and run straight through with just time out for meals?

Mr. MITTEN. That, I think, Mr. Tully, whom you have asked to come here, could tell you better as a detail. I have been satisfied with taking the question of wage settlement and the question of service to the public, and in letting the men adjust the runs to suit themselves. We have never put a time-table in without their having a voice as to how it should be cut up; and they are pretty sure to prescribe for their own consumption—that which best suits them—much better than you or I can prescribe just how runs should be cut up. A run that would suit me might not suit you.

Mr. BUSIEK. In installing this cooperative system with the resultant increase in wages for the men, what were the contributing factors in that increase? Was there anything besides putting on larger cars and increasing the speed?

Mr. MITTEN. Increased number of cars, increased speed, and increased size of the cars.

Mr. BUSIEK. And increase in travel, I suppose, made a larger fund?

Mr. MITTEN. Yes.

Mr. BUSIEK. Did any men lose their positions by reason of putting on bigger and faster cars?

Mr. MITTEN. No; there was some change of position due to the combination of depots and the rerouting of lines. That was cured for by paying to the men the wages that they were receiving prior to the changes and continuing it as a minimum.

Mr. BUSIEK. Then there was no decrease in the number of motormen or trainmen by reason of speeding up the cars and putting on old ones; do I understand that to be the case?

Mr. MITTEN. I should not say that. There has been a decrease in the number of men required to perform the service, but that has been brought

about more by not hiring new men, and that no man through putting on new cars has been made to suffer financial loss.

Mr. BUSIEK. Do they lose their positions?

Mr. MITTEN. They retain their seniority, even if they have to sit on a bench to do it.

Mr. BUSIEK. What is the total number of employees now as compared with 1911, when you put the system into effect?

Mr. MITTEN. Of trainmen, 6,400 now; 7,000 in 1911. That, of course, is brought about to some extent by the fact of a fewer number of depots, the proportion of extras, in smaller depots being greater, if you block them together a fewer number of men to take care of it. A reloading of cars which would have gone in the past, making the service very much more effective, and cutting out lost mileage.

Mr. BUSIEK. Whereas you say it is true that there are about 600 less men than there were at that time, you say that no man lost his position by reason thereof; that he could maintain his seniority?

Mr. MITTEN. Maintained his seniority.

Mr. BUSIEK. What became of the 600 men who are no longer employed? Did they quit voluntarily?

Mr. MITTEN. The men were dropping out for three years at the rate of 1,600 a year. To take care of 600 means only stopping employing even with the lesser number of men dropping out. It is easy to cover.

Mr. BUSIEK. Has the mileage been increased during that time?

Mr. MITTEN. The car mileage?

Mr. BUSIEK. Yes, sir.

Mr. MITTEN. Yes, sir; we run more miles.

Mr. BUSIEK. What did you say was the passenger increase over three years ago?

Mr. MITTEN. The passenger increase?

Mr. BUSIEK. Yes.

Mr. MITTEN. I didn't say.

Mr. BUSIEK. The passenger increase; how many more passengers are you carrying now? I think you said 20 per cent—am I right—more than you did three years ago? [No answer.]

Didn't you, in your statement this morning say that you are carrying about 20 per cent more passengers?

Mr. MITTEN. I said we carried 20,000 passengers more per person injured.

Acting Chairman WENSTOCK. I think, Mr. Mitten, that you also said—

Mr. MITTEN. I did; yes.

Acting Chairman WENSTOCK. You said under the cooperative system traffic has been increased 20 per cent and complaints have been decreased 80 per cent.

Mr. MITTEN. That is true.

Commissioner O'CONNELL. And the carrying has been increased 20 per cent, and there is a decrease of employees of about 600 now.

Mr. MITTEN. Yes, sir; our cars carry twice as many.

Mr. BUSIEK. How many more miles of track have you now than you had then?

Mr. MITTEN. Nothing to speak of.

Mr. BUSIEK. How many days do your men average; that is, per year?

Mr. MITTEN. Well, last summer, when I checked that up they were laying off on an average of one day in seven.

Mr. BUSIEK. Laying off one day in seven?

Mr. MITTEN. Yes, sir.

Mr. BUSIEK. Have they a right to lay off if they want to, or do they have any vacations?

Mr. MITTEN. They get their vacations by making application in advance for them.

Mr. BUSIEK. And they are allowed to lay off then if they can be spared?

Mr. MITTEN. Yes, sir.

Mr. BUSIEK. Is that the idea?

Mr. MITTEN. Yes, sir.

Mr. BUSIEK. There is no general vacation plan?

Mr. MITTEN. No sir; no enforced vacation, if that is what you mean. It is optional with the men.

Commissioner O'CONNELL. In other words, there is no one day of rest in seven compulsory?

Mr. MITTEN. No, sir.

Mr. BUSIEK. Is there any possibility under this plan of a further increase of wages for the men, Mr. Mitten?

Mr. MITTEN. Let me say there that I estimate the normal increase of this system to be about 4 per cent per annum. In taking care of that increased business only about half of it requires additional car service. Only that half which spreads over the peak, there being plenty of service in the interim to care for it. So that about half of the normal increase, of which the men receive 22 per cent, would be available as a surplus in the fund. That would make somewhere pretty close to a cent on the maximum each year, independent of any operating economies that might be effected.

Mr. BUSIEK. Do the men get any one day off in seven, like in other crafts or trades?

Mr. MITTEN. They take off that number of days which averages to each man one day in seven.

Mr. BUSIEK. Each man has a right to make application?

Mr. MITTEN. Yes, sir.

Mr. BUSIEK. And does he get it if he makes it?

Mr. MITTEN. He does.

Mr. BUSIEK. Oh, there is just one question more that I want to ask you, and that is about the wearing of union buttons. I believe you said that you frowned upon that. Why is that, Mr. Mitten?

Mr. MITTEN. It was the cause of all of our trouble, or a great deal of our trouble, when we came here, in that with four sets of men, three of which wore different buttons, and the fourth without button, each antagonistic to the other, you could get no team work and no community of action. My understanding, as set forth in the cooperative plan, was that if two-thirds of the men voted for a contract with an organization, one of the beauties and features of the plan, there being then no necessity for continuing this wearing of buttons and continued antagonism. In giving the plan a fair trial with the men as individuals, it could not give such a fair trial if you still continued the wearing of those evidences of a distinct lack of common purpose or absence of a general desire to one end. That I very clearly set forth in the bulletins as to why it was necessary at the time.

Mr. BUSIEK. That is all I have.

Commissioner O'CONNELL. Who provides for the payment of this cooperative committee?

Mr. MITTEN. The company.

Commissioner O'CONNELL. Does the committee put in its entire time at that work?

Mr. MITTEN. No, sir.

Commissioner O'CONNELL. What does it do?

Mr. MITTEN. They have their regular runs, the same as other men.

Commissioner O'CONNELL. The runs are in different parts of the city?

Mr. MITTEN. But, of course, coming out of their different depots.

There are two cooperative committeemen from each of the 14 depots.

Commissioner O'CONNELL. You say that committee has business that calls it together almost daily?

Mr. MITTEN. No, sir. I say that almost daily one or another of the committeemen are in touch with the superintendent of transportation.

Commissioner O'CONNELL. The fact of there not being a universal transfer in Philadelphia, what is the difference between that situation of affairs and the situation of affairs in Chicago, where there is a universal transfer?

Mr. MITTEN. It makes a decreased cost of operation per passenger and a decreased revenue. The two do not mean much unless you introduce the volume of traffic. Chicago has a very much heavier traffic, less mileage to the earnings.

Commissioner O'CONNELL. In Chicago the rate, as I recall seeing the figures, was about 2.81 per passenger.

Mr. MITTEN. Yes.

Commissioner O'CONNELL. And Philadelphia approximately 4 cents?

Mr. MITTEN. Yes.

Commissioner O'CONNELL. So there is 1.21 cents between Philadelphia and Chicago in the carrying of passengers?

Mr. MITTEN. Yes.

Commissioner O'CONNELL. What is the comparative rate of wage between Philadelphia and Chicago?

Mr. MITTEN. I am not familiar with the last scale in Chicago.

Commissioner O'CONNELL. They are about the same, or higher or lower, as you remember it?

Mr. MITTEN. I think Chicago is a little higher on the maximum.

Commissioner O'CONNELL. Is there any particular pains or care or effort made in the selection of employees as to their nationality or religion?

Mr. MITTEN. No, sir; there is not. I think that our men now, I should say, would be about half American born, the remaining half, more or less equally divided, is between Irish, Germans, and English, Irish predominating.

Commissioner O'CONNELL. Of course, they all speak the English language?

Mr. MITTEN. Yes, sir.

Commissioner O'CONNELL. From the nationalities you enumerated, the southern European is not largely employed, if at all?

Mr. MITTEN. No, sir.

Commissioner O'CONNELL. In this beneficial association, as I understand it, there is an old organization which the company carries on?

Mr. MITTEN. Yes, sir.

Commissioner O'CONNELL. Then there is an association which is carried on by employees?

Mr. MITTEN. Yes, sir.

Commissioner O'CONNELL. The old association carried on by the company pays death benefits, and some others?

Mr. MITTEN. Let me say that some time ago I put the administration of the company's, what you call the company's death benefit or pension plan, into the hands of some of the officers, as that of the cooperative beneficial, for the reason that the largest number of men are the conductors and the motormen, and the benefits to them came out of the 22 per cent fund.

Commissioner O'CONNELL. But in the association carried on by them they contribute directly to that?

Mr. MITTEN. They contribute direct.

Commissioner O'CONNELL. Is it compulsory for the employees to belong to that in any way?

Mr. MITTEN. Not at all. I tried to make that very clear in my statement this morning. None whatever. And that is the most clearly understood thing, perhaps, about it, and has been from the outset, that it makes no difference whatever and shall never be considered in that connection. It is a purely voluntary matter on the part of the employees.

Commissioner O'CONNELL. If an employee should sever his connection with the company he also, of course, severs his relation with his association?

Mr. MITTEN. He does.

Commissioner O'CONNELL. Is there any provision that he shall get back any sums he may have paid into it?

Mr. MITTEN. No.

Commissioner O'CONNELL. He forfeits all claims in that association?

Mr. MITTEN. He does.

Commissioner O'CONNELL. In the application for employment with the company are there any questions asked upon the blanks as to the man's membership in a union or not?

Mr. MITTEN. No.

Commissioner O'CONNELL. His nationality?

Mr. MITTEN. His nationality is asked.

Commissioner O'CONNELL. His religion?

Mr. MITTEN. No.

Commissioner O'CONNELL. His association with, or his membership in, fraternal or other organizations?

Mr. MITTEN. No; I am quite sure no.

Commissioner O'CONNELL. As I catch the scope and plan of this cooperative organization, there is really no machinery whereby in the adjustment of a man's grievance the finality of it can be reached except through the officials of the company, the cooperative committee simply using its good offices as it were in behalf of the man who has a grievance, alleged or otherwise, but the finality of the proposition rests with the superintendent of transportation or something like that, I don't recollect the title, or some other official?

Mr. MITTEN. The basis of all discipline must lie in fair dealing—in a square deal. It is the entire basis of this whole plan—free open discussion of any man's case with the men elected by their fellows to represent them. We have had no difficulty in that regard at all. The whole proposition lies in the avoidance of the discharge, not the putting a man back after he has been dis-

charged, but avoiding it by remedying the trouble before you get to the discharge.

The trouble which generally follows, in my experience, the attempt to put men back after their discharge, lies not in whether the man should go back because he has been unfairly dealt with, but because of the influence that he is able to bring to have exerted in his behalf. And as I have said, you must, I believe, judge this plan in its discipline in the results of its discipline by the small number of men who really lose their places as against the number which formerly lost their places when we had all the other paraphernalia of appealing all cases; and at that time practically every case was appealed and fought vigorously. The result of that, as I have shown you, is that three or four times as many men lost their places as lose it under this plan.

Commissioner O'CONNELL. Have you with you or could you furnish the commission with the last report of the company of its earnings, cost of operation, etc.?

Mr. MITTEN. I haven't, but it can be easily supplied.

Commissioner O'CONNELL. That will show the total cost of operation and income and expenditures compared with past years, or something of that kind?

Mr. MITTEN. Yes.

Commissioner O'CONNELL. I will be very glad if you see that we get a copy.

Commissioner LENNON. I have just a question or two. What power has the cooperative committee in enforcing discipline that has been agreed upon outside of the matter of discharge? Suppose a man is to be reprimanded, or, I don't know what your discipline may be, what has the cooperative committee to do with it? Do they reprimand the man?

Mr. MITTEN. No.

Commissioner LENNON. Who does, the superintendent?

Mr. MITTEN. The superintendent of transportation.

Commissioner LENNON. They are expected, I judge, from just one chapter I read there, glanced over, they are expected, however, to cooperate with the representatives of the company in seeing that a discipline is carried out?

Mr. MITTEN. Yes, sir.

Commissioner LENNON. And you say they work on regular turns. Do they have a lay-out at all?

Mr. MITTEN. They are off, I suppose, more or less.

Commissioner LENNON. And they are paid for the hour they are off?

Mr. MITTEN. Yes, sir.

Commissioner LENNON. What is shown to be the average wage of the motormen and conductors now in the city of Philadelphia?

Mr. MITTEN. Twenty-eight and eight-tenths cents as against twenty-two.

Commissioner LENNON. Have you any knowledge as to whether or not there has been an increase or decrease in the membership of the three different unions that were represented here at the beginning of this plan?

Mr. MITTEN. I haven't any means of finding that out.

Commissioner LENNON. You don't know that?

Mr. MITTEN. The only—well, I haven't any means of finding it out.

Commissioner LENNON. Well, has there been any representation—

Mr. MITTEN. I can say—

Commissioner LENNON (continuing)—of antagonism against you or the plan?

Mr. MITTEN. Quite the reverse.

Commissioner LENNON. There has been none?

Mr. MITTEN. Quite the reverse.

Commissioner LENNON. Do you believe, so far as the public had knowledge of this plan, which may or may not be limited, of course, I would not know that, because I don't know what has been done in the way of employing them—do they approve it or disapprove it?

Mr. MITTEN. Well, we send out—I have sent out 50,000 copies of the cooperative bulletin, one of which goes to every employee, of which there will be, we will say, 8,000 or 10,000, and the rest goes to citizens; in fact, everybody who writes a letter of complaint or commendation in connection with the operation of the road, his name is put upon the mailing list. We get the kickers, the impossible as well as those who are friendly, and I am glad to say that from the letters received we make a lot of the impossibles and kickers friends. What I have received in reply to these bulletins has been assurance that at least the men get fair treatment, at last you tell us why you do it and how, and the result is shown in the service you are giving us.

Commissioner LENNON. Is this a difficult city in which to operate a street-railway service?

Mr. MITTEN. Any city is difficult; some more difficult than others.

Commissioner LENNON. I mean unusually so, because of some of the streets down town.

Mr. MITTEN. About on the average, about on the average.

Commissioner LENNON. It is about the average?

Mr. MITTEN. Yes. You have got narrow streets, but you have not got any hills.

Commissioner LENNON. I asked that because I waited 41 minutes for a blockade to break on a street here a few days ago.

Mr. MITTEN. Well, that is an unfortunate occurrence.

Commissioner LENNON. Oh, it did not hurt me. I was satisfied. But I wondered if it was something that was common.

Mr. MITTEN. Not very.

Commissioner LENNON. That is all.

Mr. MITTEN. Perhaps not one-fourth as frequent as it used to be.

Commissioner LENNON. Well, did the plan help that out too?

Mr. MITTEN. Assuredly. The men raise blockades now. They are interested in the 22 per cent fund. Before it did not make very much difference with them and they took occasion then to rest. Our men to-day are interested in seeing that the fares are collected and that the company gets them because they get them. They are interested in avoiding blockades and encouraging traffic.

Commissioner LENNON. So the money is not exhausted in waiting?

Mr. MITTEN. They are earning the money.

Commissioner LENNON. I see.

Mr. MITTEN. The man who steals has got mighty little consideration from his fellows to-day.

Commissioner LENNON. He don't deserve any?

Mr. MITTEN. Well, he gets mighty little from his fellows to-day. It is their money he is taking.

When you asked Mr. Wanamaker this morning what the difficulty was between capital and labor, my answer would have been lack of cooperation. If capital and labor as two men will push in one direction, they accomplish something; if, as is so often the case, they push against each other, a great wastage occurs, and neither gets the result or the best result that can be accomplished from the amount of energy or money used. We to-day here are pushing together for a common end in a way which is not approached anywhere to my knowledge.

Commissioner LENNON. I think that is true so far as I know. I know of no other place on this plan or even approaching it.

Mr. MITTEN. But leaving out the question of what per cent, leaving out the question of local difficulties which you have everywhere and which has to be settled in its own way, but on the plan itself, the fact that under it you are both pushing in the same direction to a common end, both interested in accomplishing the same result from which both benefit, is perhaps the best recommendation for this plan.

Commissioner LENNON. Would you tell us just the method of procedure by which the election of these cooperative delegates or members are chosen, the detail of what you do and how it is brought about?

Mr. MITTEN. A notice is put up at the depot that a vote will be held for cooperative committeeman on a certain date. A machine has been devised by which there is a small aperture which opens on to a continuous roll of paper. That machine is placed in a booth out of the sight of anybody except the man voting. The whole is under the charge of a vote committee composed of three members of the cooperative committee, neither one of which must be from the depot at which the vote is taken. The man goes in, the man who is to vote goes into the booth, writes the name of the man for whom he wants to vote, turns the machine which rings the bell. He hasn't access, can not see, can not put his name down except the one place. The vote committee hears the bell ring and he steps out and another man goes in. Therefore you have a number of names on this endless roll. When the vote has all been taken they check off the names of the men on the list as they come in to know they have them all or to know they are entitled to vote, and when the vote has been completed the vote committee counts the vote and then announces to the depot the result of it. The man polling the largest vote is cooperative committeeman No. 1, and the man polling the second higher vote is cooperative committeeman No. 2. That is, we believe, the best method of secret ballot under the circumstances that has

ever yet been devised, and it seems to absolutely meet the favor among the men.

Acting Chairman WEINSTOCK. As I understand it, the rate of wages under which you are operating at present is outlined here in this little bulletin book of yours reading 7 to 12, as follows: "New men, 23 cents an hour." This is a cooperative rate effective on July 31, 1913: "New men, 23 cents; after 1 year's service, 24 cents; after 2 years, 25 cents; after 3 years, 26 cents; after 4 years, 27 cents; after 5 years, 28 cents. Is that correct?"

Mr. MITTEN. Excepting the rate is now in the same way 25, 26, 27, 28, 29, and 30.

Acting Chairman WEINSTOCK. I see. You have raised it; you have anticipated the future?

Mr. MITTEN. Oh, yes.

Acting Chairman WEINSTOCK. How long has this new rate been in operation?

Mr. MITTEN. Since September.

Acting Chairman WEINSTOCK. Since last September?

Mr. MITTEN. Yes.

Acting Chairman WEINSTOCK. That is, in place of waiting a year you waited simply August, September—about three months?

Mr. MITTEN. Yes.

Acting Chairman WEINSTOCK. You anticipated the new rate by nine months?

Mr. MITTEN. Yes; by the putting on of new cars.

Acting Chairman WEINSTOCK. Now the present minimum is 25 cents an hour, is it?

Mr. MITTEN. It is.

Acting Chairman WEINSTOCK. And then 26, 27, and 28?

Mr. MITTEN. Twenty-nine and thirty. A later bulletin will show you all about that. There is nothing in connection with the inception, adoption, or operation of this plan that is not clearly set forth month by month in these bulletins as I gave them to you.

Mr. BUSTEK. Now, how do those rates compare, so far as you know, with the rates paid to street-car men in other cities east of the Mississippi? Are they on a par or a higher or a lower basis?

Mr. MITTEN. I should say they were well up with the highest.

Acting Chairman WEINSTOCK. Are there any cities east of the Mississippi, so far as you know, where the rates are higher?

Mr. MITTEN. Chicago and Detroit—well, a little higher; I am not sure, but we are getting better pretty fast. Of course, you will find that wages, as you come to what are known as the southern cities, are rather lower. Now, we are rather on the class of Baltimore and Washington, and we are walking away from the bunch, if you classify us where we belong. We lead them a mile.

Acting Chairman WEINSTOCK. What constitutes a day's work?

Mr. MITTEN. Nine to eleven hours. Of course, those hours are as the men select. If they would rather run the longer hours—they are selected by seniority—the oldest man would have the right of preference.

Acting Chairman WEINSTOCK. And the oldest men prefer the longer hours?

Mr. MITTEN. Well, pretty generally.

Acting Chairman WEINSTOCK. So the newer men, as a rule, work the nine hours?

Mr. MITTEN. We divide the runs up, with the aid of the cooperative committee, as nearly as possible to fit the wishes of our men.

Acting Chairman WEINSTOCK. A man has got to be on the road some years in order to get a preference?

Mr. MITTEN. No; he gets a preference from the day the man next to him is hired.

Acting Chairman WEINSTOCK. I don't quite catch that.

Mr. MITTEN. Well, a man hired yesterday is ahead of the man hired to-day, and he may step into a preference.

Acting Chairman WEINSTOCK. Yes; but according to the list you have stated there there is 55 per cent of the men who have been with the road over five years.

Mr. MITTEN. Forty-seven per cent.

Acting Chairman WEINSTOCK. Well, 47 per cent who have been with the road over five years. Now, naturally, they are entitled to preference and they are the men who have been longest in the service and get the preference?

Mr. MITTEN. Naturally.

Acting Chairman WEINSTOCK. And I understand the older men, generally, desire, in order to get the increased earnings, desire the runs of the longer hours?

Mr. MITTEN. Generally; yes.

Acting Chairman WEINSTOCK. So the new men have the shorter hours and the lesser earnings? I notice here a very interesting statement your committee has compiled on housekeeping expenses, showing, taking the month of January, 1913, as the basis, the cost per family consisting of husband and wife and two children—two adults and two children—to be rent, \$14.01 per month, foodstuffs, \$32.18; and all other expenses, \$20.71; making a total monthly expenses of \$66.90.

Now, then, I presume that since that time—January, 1913—there has been very little variation in the cost of living, up or down, so that may be fairly under, I presume, as the present cost of living. Well, now, those facts being correct, this is what I find; I have just made a hasty calculation and it may be subject to correction, that working nine hours a day at the rate of 25 cents an hour for the new man he would earn the first year \$700; the second year, at 26 cents an hour, he would earn \$730; the third year, at 27 cents an hour, he would earn \$758; and the fourth year, at 28 cents an hour, he would earn \$786.

Now, if we take the case of a man, then, who has a wife and two children, and who starts in at 25 cents an hour—

Mr. MITTEN. That hardly would be fair, in that the hiring of men is not of men of that age. The men whom we engage are largely men who are from 21 to 22 and 23 years old, who have not yet the advantage of a wife and family, and that is where the scale of wage comes in, as the expenses increase so does his income.

Acting Chairman WEINSTOCK. I see; that is, the newer men are usually—

Mr. MITTEN (interrupting). Then, of course, you figured there nine hours. That hardly takes in the average which the men earn, which is 9 hours and 11 minutes.

Acting Chairman WEINSTOCK. Unless it were for those variations on one hand in that they work over nine hours, and on the other in that they start in as young, unmarried men, a married man with two children starting in at 25 cents and at the end of four years, assuming that he could live within the figures laid down here, he would be \$232 shy—he \$232 poorer than he was when he began four years before?

Mr. MITTEN. Yes; but since that is not the condition when he enters, and since he has more hours of service than you have estimated, that equation falls.

Acting Chairman WEINSTOCK. Yes; I see. May I ask, Mr. Mitten, is this cooperative plan as initiated here the first of the kind in America?

Mr. MITTEN. To my knowledge, yes.

Acting Chairman WEINSTOCK. So far as you know, has it been followed in any other city as yet?

Mr. MITTEN. Not at all.

Acting Chairman WEINSTOCK. I suppose other companies in other cities still look upon it as being in the experimental state?

Mr. MITTEN. Well, I could not say as to that.

Acting Chairman WEINSTOCK. Can you tell us how and by whom the idea was conceived?

Mr. MITTEN. Myself.

Acting Chairman WEINSTOCK. That is, you worked it out of your past experience?

Mr. MITTEN. Yes; I worked it out of my past experience, which showed the need of cooperation, and of getting the most for the men out of the sum possible under the circumstances to set aside for that purpose. I saw such a great wastage, that there was a company which would pay a certain amount, and could under their organization pay a certain amount of their earnings for wages, and here were the employer and employee working at diametrically opposite purposes, the men not in any way working to the end of economy, because they had no gain thereby. So that it occurred to me, let us establish that portion of the gross earnings which the company would otherwise pay, and then let both work together to get from it the very greatest wage possible for the men. It is the principle, not the per cent paid—but the principle.

Acting Chairman WEINSTOCK. You found, when you came here, the company on the one hand and the workers on the other hand, pulling at opposite ends of the rope?

Mr. MITTEN. Worse than that. There were three bunches of men fighting each other, and all fighting the company—well, I should not say all fighting the company, that is not fair; but at least half the men were fighting the company.

Acting Chairman WEINSTOCK. And your aim was to get the whole lot of workers and employees pulling the same way?

Mr. MITTEN. Right you are; just right.

Acting Chairman WEINSTOCK. And you feel that you have accomplished that result?

Mr. MITTEN. I am very proud of the result so far accomplished.

Acting Chairman WEINSTOCK. Well, you certainly have done a very remarkable work, Mr. Mitten. How do you deal with your office and your miscellaneous help. We have been speaking now of the operating help. I presume there are other help employed by the company, like the men who repair the tracks and who look out for the cars, and the office help, and so on?

Mr. MITTEN. Practically, as other companies deal with such help. Our shop work is largely piecework, and hence gives rise to a rather different situation. Our track work is largely floating—a large proportion of it going on only a portion of the year; and our office is a natural progression by order of merit and accomplishment.

Acting Chairman WEINSTOCK. What effect has this cooperative plan of yours, Mr. Mitten, had on unionism, so far as your men are concerned? Since this plan has gone into operation have more men joined the unions, or have those who belonged to the unions dropped out of the unions?

Mr. MITTEN. Well, I would have no means of knowing, as I do not know under this plan a union man as against a nonunion man. All that I require of them is that they are good employees.

Acting Chairman WEINSTOCK. I see. So far as you can see, what advantage, if any, would any of your men have in belonging to a union? What would he have to gain under your system in being a union man?

Mr. MITTEN. Well, I don't see that he would have any, so far as the result to him in his present employment is concerned.

Acting Chairman WEINSTOCK. Well, then, if your system should be generally adopted throughout the United States in all the city railroads in all the cities, so far as the street-car men were concerned, it would practically make unionism needless?

Mr. MITTEN. Well, not necessarily so.

Acting Chairman WEINSTOCK. Why should it not, if there is nothing to be gained by joining the union? Why should the man pay a tax and be burdened with the initiation fee and the monthly dues if there is nothing to come in return?

Mr. MITTEN. That is what I see in regard to this system; its application elsewhere I don't know. All I can say of this healthy infant, I should say that the infant has thrived most lustily with its present surroundings. I can not see how it could do better, if as well, under any other circumstances.

Acting Chairman WEINSTOCK. Do you know, Mr. Mitten, what is the attitude of organized labor toward your plan? Do they look upon it with favor or with disfavor?

Mr. MITTEN. Well, the attitude toward it at the time we took the vote was one of great interest and, I should say, quite willing to be shown.

Acting Chairman WEINSTOCK. I am not speaking about your own men, Mr. Mitten, but about organized labor on the outside.

Mr. MITTEN. No; I understand. You see at the initiation a vote was taken to see whether to put this plan in with the organization or only with the men as individuals, and I am only talking from the attitude then expressed toward the plan.

Acting Chairman WEINSTOCK. You know, of course, in a general way, Mr. Mitten, that organized labor favors certain things and opposes certain things. For example, it opposes piecework; it opposes, generally, scientific management, so called; it opposes the payment of bonuses and premiums. And the question I had in my mind was whether organized labor opposed your cooperative idea.

Mr. MITTEN. I have not been given so to understand.

Acting Chairman WEINSTOCK. You have no definite knowledge on that point one way or the other, then, Mr. Mitten?

Mr. MITTEN. Well, I should say not, so that they had taken a definite position one way or the other in regard to it.

Acting Chairman WEINSTOCK. Now, take a commercial enterprise, or take an industrial enterprise. The rule is this: That as the volume of business increases, the cost of labor, the percentage of cost of labor, diminished. In other words, if Mr. Wanamaker, in his shop, could increase his business 50 per cent, the present labor cost would be materially lower than it is to-day; and I take it that would also apply to any industry, because the overhead expense would not increase in proportion to the increased volume of output. Now, that lessened cost in percentage usually goes to the owner; that is, he has conducted his business at a lesser rate of cost and with more profit. From the explanation you have made of your system, Mr. Mitten, I take it that this decreased percentage of cost does not go to the stockholders of the company but goes to labor itself. You have an ironclad percentage, say, of 22 per cent of your gross receipts. Now, if it should become possible by considerable increased business to reduce that to 15 per cent, labor would get the remaining 7 per cent?

Mr. MITTEN. Yes; under any ordinary plan, even if it had been a contract with organized labor on the basis of a scale of wages of the \$900,000 increased wage which went to the men unquestionably half of it would have gone to the stockholders, because nobody dreamed of the possibilities of this plan.

Acting Chairman WEINSTOCK. Now, the stockholders' profit comes by increasing that 78 per cent that remains. In other words, if your receipts the first year were \$1,000, to use an arbitrary sum in order to simplify it, labor would get \$220 out of that, and for all other expenses and dividends there would be the balance of \$780?

Mr. MITTEN. Yes, sir.

Acting Chairman WEINSTOCK. Now, if that volume of business should double the next year labor would get \$440 and the other expenses and dividends would get twice the previous amount?

Mr. MITTEN. Well, hardly that, in that your operation is 60 per cent.

Acting Chairman WEINSTOCK. Sixty per cent?

Mr. MITTEN. Yes, sir, and you might say the fixed charges would get 40 per cent, and of the 60 per cent 22 per cent is the men's wages. There is your rule; you have got the point exactly—that an increased volume of business means decreased cost of handling proportionately. Just as I said, if you have a normal increase in your traffic, the cost of handling is not increased proportionately, but increased only on the morning and evening peak.

Acting Chairman WEINSTOCK. Now, let me ask you this question, Mr. Mitten: Does that rule work both ways? Suppose adversity should overtake the company and something happened that would materially reduce the volume of your business, would the men still have the 22 per cent of the earnings, which would mean lower wages?

Mr. MITTEN. Let me say that in the street railway business that the normal increase of earnings covering a period of years is almost automatic. The population of the city increased here a little over 2 per cent and the gross earnings will increase 4 per cent, and while you may get a setback—not a setback really, but a standstill for a year, in the history of the street railways they do not go backward. They may stand still, in which your cases would stand still, but the history of the street railway business is not one of going backward.

Acting Chairman WEINSTOCK. You explained, Mr. Mitten, that this cooperative committee is composed of two members from each station, making 28 members, to cover the 14 stations. Now, what representation has the company on that committee?

Mr. MITTEN. The division superintendent; one man. In other words, two cooperative committee men and one division superintendent, who constitute the committee.

Acting Chairman WEINSTOCK. That is not clear.

Mr. MITTEN. From the depot, at the monthly meeting, there will be three men—the first and second committeeman and the division superintendent.

Acting Chairman WEINSTOCK. Oh, I see. This committee of 28 does not act as a limited unit, but 14 separate units?

Mr. MITTEN. Fourteen separate units, who all come together in monthly meetings?

Acting Chairman WEINSTOCK. Now, where that is done—that gives you 28 wage earners and 14 company representatives?

Mr. MITTEN. But the vote of the company representative is not counted. The vote is entirely that of the wage earners.

Acting Chairman WEINSTOCK. Have they full power in that matter?

Mr. MITTEN. Their entire vote.

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Acting Chairman WEINSTOCK. You mean that you retain no veto power and whatever they say goes?

Mr. MITTEN. There has never been—there has never yet been a question on which we have not agreed.

Acting Chairman WEINSTOCK. But tell me on what things does this committee legislate? What are the specific things that they deal with?

Mr. MITTEN. The division of their—this is not by general committee—the dividing up of the time runs their hours. The men from each depot settle that for the depot. The men for each depot deal, with the division superintendent of transportation, with the discipline of that depot. On the big questions which affect all, rate of wages, the general questions are dealt with in the monthly meetings; anything like the uniforms of the men and general propositions.

Acting Chairman WEINSTOCK. May I ask is this fund of 22 per cent turned over to that group of men to distribute in accordance with their best judgment?

Mr. MITTEN. No; it is maintained in a separate fund, which is audited both as to its income and outgo each year by a committee from the cooperative committee.

Acting Chairman WEINSTOCK. Yes; but does that committee control that fund? Has it full power? Can the committee increase it? It could not increase or decrease that percentage—could not say it should be 24 or 20 per cent?

Mr. MITTEN. No.

Acting Chairman WEINSTOCK. But can they say how much of this 22 per cent shall be paid out in the form of wages and how much shall be kept in the reserve? I see you have a reserve account here, a separate account.

Mr. MITTEN. Well, the practice has been to pay all out that we can safely pay.

Acting Chairman WEINSTOCK. How was it determined last September that the wages increased beyond the amount originally determined upon?

Mr. MITTEN. The surplus remaining in the fund was shown by the audit of the cooperative committee and was stated in the committee, and the possibility of the increase shown, and then voted upon in the committee.

Acting Chairman WEINSTOCK. I see, and they determined the increase? You gave them power to do that?

Mr. MITTEN. Yes, sir.

Acting Chairman WEINSTOCK. They have that power?

Mr. MITTEN. Yes.

Acting Chairman WEINSTOCK. So that they really control that fund?

Mr. MITTEN. In that sense, yes, sir.

Acting Chairman WEINSTOCK. May I ask, does Pennsylvania have a workmen's compensation law?

Mr. MITTEN. I am a little bit dim on that. Our beneficiaries and our—

Acting Chairman WEINSTOCK. (interrupting) No, no. Can anyone present tell me about that? [A number of voices: "No."] Pennsylvania has no compensation act. How do you deal with workers who meet with accidents while employed?

Mr. MITTEN. Well, they are settled with and paid; and in that regard the cooperative committeemen have been very helpful also, in that in cases where the amount did not seem sufficient they have individually called attention to it, and the merits have been gone into and that which was fair arrived at.

Acting Chairman WEINSTOCK. Who determines the amount of compensation that an injured workman shall receive?

Mr. MITTEN. Usually the claim department.

Acting Chairman WEINSTOCK. Is there an appeal from the judgment of the claim department?

Mr. MITTEN. Oh, yes; there is an appeal.

Acting Chairman WEINSTOCK. To whom?

Mr. MITTEN. To me eventually. It has never yet got past the cooperative committeemen, all cases having been settled in that way.

Acting Chairman WEINSTOCK. If I, as an injured worker, should be dissatisfied with the award of the claim department I could present it to the cooperative committee?

Mr. MITTEN. Yes, sir; to your representatives.

Acting Chairman WEINSTOCK. And if I should be dissatisfied with their award I could submit it to you on appeal?

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Mr. MITTEN. Yes, sir.

Acting Chairman WEINSTOCK. And you would be the Supreme Court in the matter?

Mr. MITTEN. The supreme court—the court.

Acting Chairman WEINSTOCK. Is medical treatment furnished the injured?

Mr. MITTEN. No, sir.

Acting Chairman WEINSTOCK. No medical treatment?

Mr. MITTEN. No, sir.

Acting Chairman WEINSTOCK. They must pay for their own medical treatment?

Mr. MITTEN. The first aid—on that detail I would prefer that you ask Mr. Tulley when he comes to the stand in that it is such—I am speaking in these little details largely from secondary knowledge.

Acting Chairman WEINSTOCK. If Mr. Tulley is to appear before us, and he is authority on the subject—

Mr. MITTEN. You have called him.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Mitten. We are extremely obliged to you for your patience and courtesy.

Mr. BUSIEK. I will call Mr. Tulley.

TESTIMONY OF MR. HERBERT G. TULLEY.

Mr. BUSIEK. For the purposes of the record, Mr. Tulley, will you please state your name and your official position?

Mr. TULLEY. Herbert G. Tulley, superintendent of transportation, Philadelphia Rapid Transit Co.

Mr. BUSIEK. How long have you held that position, Mr. Tulley?

Mr. TULLEY. The position of superintendent of transportation for about 14 months.

Mr. BUSIEK. What position did you hold prior to that time?

Mr. TULLEY. Previous to that, assistant superintendent of transportation, under Mr. James Bricker, the former superintendent of transportation for a year and a half, or a year.

Mr. BUSIEK. Mr. Tulley, Mr. Mitten, the former witness, said you were the gentleman who would give us the data as to the proportionate number of men who have straight runs, how many are trippers, and how many have what are called swing runs.

Mr. TULLEY. Do you want the number or the per cent?

Mr. BUSIEK. The percentage.

Mr. TULLEY. Twenty-three per cent are what we call early straights; 34 per cent, late straights; 39 per cent, early swings; and 4 per cent, late swings.

Mr. BUSIEK. Now, please tell us what a swing run is?

Mr. TULLEY. A swing run, in the words of the men, is a run which has a hole in the middle. In other words, it is composed of two parts. A straight run, for instance, will begin at 5 o'clock in the morning and run straight through until 1 or 2 o'clock. The man completes his day's work without a break.

A swing run, there is a break as a rule in the middle of the run.

Mr. BUSIEK. What men have the swing runs, the old employees or the newer ones?

Mr. TULLEY. It depends a great deal. Runs are chosen at regular periods, depot picking once every six months. A line picking on the change of a schedule.

Our experience shows that the first men to pick the runs take the early straights.

Mr. BUSIEK. That is from 5 in the morning until 2 in the afternoon?

Mr. TULLEY. Till 2 in the afternoon—daylight runs. Then we find that in many instances the men skip the late straights, those runs that begin at noon or late afternoon and work until midnight; and in preference to those they take what we call the early straights. Not in every case, but in many cases. Early swings, I should have said. Skip the late straights and take the early swings.

Mr. BUSIEK. What proportion of the men have you on the extra list?

Mr. TULLEY. Approximately 25 per cent of the whole. One man in four. One man to every four men—four regulars.

Mr. BUSIEK. Do you know how that compares with the percentage in other cities—large cities?

Mr. TULLEY. To the best of my recollection it would be approximately the same.

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Mr. BUSIEK. Now, do I understand that these extra men are men that report at the barn; they have no regular run, neither straight or a swing, and they take out such cars as are required to go out?

Mr. TULLEY. Not in all cases. Some of the extra men have what we term hold downs. Those are runs belonging to regular men who are sick, or off on leave of absence, or away for other reasons, or assigned to some special duties. Quite a number of the extra men have hold downs and work them regularly.

Mr. BUSIEK. According to Mr. Mitten's testimony, there are far fewer men discharged now than formerly. What are the chief causes for discharge?

Mr. TULLEY. I should say the principal cause of discharge is drink.

Mr. BUSIEK. Is pernicious activity among the men, or is there such a thing as pernicious activity among the men—that is what you call trouble breeders—are men ever discharged for that?

Mr. TULLEY. To what period do you refer, to the present time?

Mr. BUSIEK. Yes. Let us take it at the present time.

Mr. TULLEY. At the present time I have no knowledge.

Mr. BUSIEK. In the past have men been discharged for that?

Mr. TULLEY. Yes, sir.

Mr. BUSIEK. Does that breeding trouble ever include organizing the men?

Mr. TULLEY. No, sir.

Mr. BUSIEK. Has any man ever been discharged for an activity in organization?

Mr. TULLEY. Absolutely, no. It is Mr. Mitten's direct instructions that no men be interfered with on that account.

Mr. BUSIEK. Are men allowed to collect union dues in the barns?

Mr. TULLEY. No, sir. Collections of no kind, for any purpose whatsoever.

Mr. BUSIEK. You say no organization is allowed to do that?

Mr. TULLEY. No, sir; that is against the rules for any organization to do it.

Mr. BUSIEK. Who has the power of discharge besides Mr. Mitten and yourself?

Mr. TULLEY. No one.

Mr. BUSIEK. No one?

Mr. TULLEY. No, sir.

Mr. BUSIEK. No man is discharged unless you discharge him?

Mr. TULLEY. No man is discharged unless I discharge him. That is, in the train service?

Mr. BUSIEK. In the train service?

Mr. TULLEY. Yes, sir.

Mr. BUSIEK. Is that man given a hearing?

Mr. TULLEY. Yes, sir.

Mr. BUSIEK. Has the cooperative committee any power to save him? That is, they were to disagree with you? Say, the 28 members of the cooperative committee think one way and you think the other, would their say keep a man on, or could they keep him on?

Mr. TULLEY. The power of discharge to be handled successfully can not be vested in anyone but that person who has the responsibility of handling the discipline and running the road. If I had no responsibility in the prevention of accidents, the proper maintenance of discipline, when a man was brought before me for discharge, out of sympathy for his family, I might weaken, and allow that man to go back to work, but there is a certain responsibility attached to this position. The say-so, the decision in case of discharge, can not be vested in any person who has not the responsibility.

Mr. BUSIEK. Then there is nothing that corresponds to a grievance committee, as that is ordinarily understood?

Mr. TULLEY. No. I haven't the figures, but I will say, to the best of my knowledge, that I believe that in 9 cases out of 10 before a man is discharged, unless it is a flagrant case where a man is known to be a heavy drinker, or a man who has been warned frequently, that the committeemen see me regarding that case, go over the case with me. In many cases they practically become the sponsor for the man's good behavior, in the committee. We do all the work before the discharge.

Mr. BUSIEK. Do the committeemen ever recommend discharges?

Mr. TULLEY. I think it would be hardly fair for me to answer that question, fair to the men.

Mr. BUSIEK. Does your company maintain any system of espionage?

Mr. TULLEY. Yes, sir. It is absolutely necessary.

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Mr. BUSIEK. In the matter of the election of committeemen, who determines when an election shall be held?

Mr. TULLEY. Automatically. We have 14 depots. We hold an election once a month. That would bring the election around to each depot about once every 14 months. An election to be held at our Folsom Depot, I have already posted the notices for it, that will take effect on the second Thursday in July, three weeks hence.

Mr. BUSIEK. How often is the seniority list revised and the men allowed to pick their runs?

Mr. TULLEY. We have depot picking; that is to say, all the runs, I don't know—depots are thrown open once every six months, or rather twice a year, to suit the change in schedules, fall and spring.

Mr. BUSIEK. And then the men have the right to pick their runs in the order of their seniority?

Mr. TULLEY. Yes, sir.

Mr. BUSIEK. Is that right?

Mr. TULLEY. Yes, sir.

Mr. BUSIEK. Is there any complaint on the part of the employees as to how the seniority list is compiled or kept up?

Mr. TULLEY. Is there at this time any complaint?

Mr. BUSIEK. Yes.

Mr. TULLEY. None whatever.

Mr. BUSIEK. Has there been since the cooperative plan has gone into effect?

Mr. TULLEY. I don't quite catch the drift of your question.

Mr. BUSIEK. Is there any charge of discrimination made by any men in working up this seniority list, with particular reference to men who were dropped out during the strike and who had gone back on?

Mr. TULLEY. We had some discussion at the time the depot seniority was instituted, as to the placing of those men who were out on strike, etc., but that question was settled by arbitration; but the conditions found by this management, and in justice to all the men concerned, I could not consider changing.

Mr. BUSIEK. What is the attitude of the company toward men who drink? Are men allowed to enter saloons in uniform when off duty?

Mr. TULLEY. The entering of saloons while in uniform is forbidden.

Mr. BUSIEK. I suppose an employee would be suspended if he violated it?

Mr. TULLEY. Not necessarily. It would depend, as Mr. Mitten has explained, the practice under the cooperative plan is to warn first. A man for the first offense would probably be warned.

Mr. BUSIEK. I should have asked you while on the matter of elections, who chooses the tellers or judges or watchers or whatever you call them at those elections?

Mr. TULLEY. The vote committee.

Mr. BUSIEK. Who comprises the vote committee?

Mr. TULLEY. Do you desire the names?

Mr. BUSIEK. No; how is the vote committee determined? Is that selected by the company?

Mr. TULLEY. I believe they were first appointed by the chairman, by Mr. Mitten. I am not quite clear on that, I believe so, and approved by the cooperative committee; but, at any rate, there have been a number of changes. Our last election, one of the vote committeemen lost out; it was necessary to appoint another man.

Mr. BUSIEK. Who appointed him?

Mr. TULLEY. I did.

Mr. BUSIEK. In appointing those vote committeemen, do you attempt to have a man from the various factions, one man from each of the various factions on there?

Mr. TULLEY. I have tried to do that. For instance, if I recall correctly, one man on that vote committee is a member of the Keystone; another man is a man who has not been affiliated with any organization, to my knowledge. The third man is a man who wore the button. That would seem to be the fairest way to handle the proposition.

Mr. BUSIEK. Have you ever heard any charges of unfairness in the conduct of the election?

Mr. TULLEY. No, sir; never at all.

Mr. BUSIEK. About what percentage of the men avail themselves of the right to vote for members of the cooperative committee?

Mr. TULLEY. Roughly, from 96 to 97 per cent.

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Mr. BUSIEK. Are there frequent changes in the personnel of the cooperative committee?

Mr. TULLEY. I can not give you the figures, but I believe there are about 18 of the original committeemen at present remaining on the committee out of 28.

Mr. BUSIEK. Are all the factions represented on this committee, do you know?

Mr. TULLEY. Yes; every faction.

Acting Chairman WEINSTOCK. Just one or two questions. Will you tell us just how your company deals with industrial accidents, with injured workers?

Mr. TULLEY. Should a trainman be injured while in the performance of his duty, or otherwise, he goes to the complaint department, and, in the large majority of cases he gets a satisfactory settlement. As a rule, I believe it is the time lost, with doctor bills and other expenses. Should he be not satisfied with the treatment accorded in that claim department, he may appeal to his cooperative committee or to me direct, and in quite a number of cases the committee has brought such men to me.

Acting Chairman WEINSTOCK. What are the instructions, so far as you know, on the part of the company to the claim agent?

Mr. TULLEY. Unless a man is flagrantly negligent, the man is paid his losses.

Acting Chairman WEINSTOCK. He is paid his losses?

Mr. TULLEY. Yes, sir.

Acting Chairman WEINSTOCK. He is given his medical attendance?

Mr. TULLEY. Yes, sir; and lost time.

Acting Chairman WEINSTOCK. Full wages?

Mr. TULLEY. Full wages and lost time.

Acting Chairman WEINSTOCK. That is from the time of the accident to his recovery?

Mr. TULLEY. Yes, sir.

Acting Chairman WEINSTOCK. Supposing he is permanently crippled?

Mr. TULLEY. That is getting a little too deep for me, because I am not a claim man and I only deal with those cases that come to me where a man feels he has not been justly dealt with.

Acting Chairman WEINSTOCK. Where appeals are taken?

Mr. TULLEY. Yes, sir.

Acting Chairman WEINSTOCK. But, so far as you know, the men get their wages in full until they recover?

Mr. TULLEY. I know they are well satisfied with the treatment they receive at the claim department.

Acting Chairman WEINSTOCK. So far as you know, is there a form of agreement which it is obligatory upon the employees to sign upon entering the service releasing the company from responsibility for accidents?

Mr. TULLEY. I know of no such agreements.

Acting Chairman WEINSTOCK. You know of no such agreements?

Mr. TULLEY. No, sir.

Acting Chairman WEINSTOCK. What is the chief charge for the ultimate discharge of your men?

Mr. TULLEY. I can trace the majority of the discharges back to drink.

Acting Chairman WEINSTOCK. That is the first cause?

Mr. TULLEY. That is the underlying cause. It might not be for a man being actually drunk, but it would lead him to the failing to register fares, or to the state of health, which would not permit him to properly operate or perform his duty.

Acting Chairman WEINSTOCK. Do you have cases of deliberate dishonesty?

Mr. TULLEY. Yes, sir.

Acting Chairman WEINSTOCK. Hasn't this pay-as-you-enter system minimized dishonesty?

Mr. TULLEY. Yes, sir; our reports are minimized—less than they were several years ago.

Acting Chairman WEINSTOCK. So that the new system of pay as you enter has really taken away a large number—it has taken away a great temptation?

Mr. TULLEY. It has taken away the temptation; yes, sir, to a large degree.

Commissioner O'CONNELL. Do you keep a record of the employees—as to the causes of discharge?

Mr. TULLEY. Yes, sir.

Commissioner O'CONNELL. Sort of a card-index system?

Mr. TULLEY. We keep a separate record for each man in the service, including his application.

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Commissioner O'CONNELL. If an employee were dismissed by your company for one cause or another, and went to New York and made application there for employment to the street-railway service, and on his application blank said he had formerly been employed by the Philadelphia Street Car Co., would your company furnish the New York concern the cause of his discharge by the Philadelphia company?

Mr. TUTTLE. If it was a street railway which applied to know why a man was discharged, we would tell him. It is a business proposition.

Acting Chairman WEINSTOCK. That is all, Mr. Tuttle; thank you very much. Mr. BUSIEK, I will call Mr. KIRrane.

TESTIMONY OF MR. THOMAS J. KIRrane.

Mr. BUSIEK. Will you give us your name, please?

Mr. KIRrane. Thomas J. KIRrane.

Mr. BUSIEK. What is your business?

Mr. KIRrane. Secretary of Division 477 of the Amalgamated Association.

Mr. BUSIEK. Are you now employed by the railroad company here?

Mr. KIRrane. I am not.

Mr. BUSIEK. You were?

Mr. KIRrane. I was.

Mr. BUSIEK. Did you voluntarily quit?

Mr. KIRrane. No, sir; I was discharged.

Mr. BUSIEK. Do you attribute your discharge to union activity?

Mr. KIRrane. I do.

Mr. BUSIEK. Are you occupied all the time with your duties as secretary or have you other employment?

Mr. KIRrane. I occupy all my time with the duties of secretary.

Mr. BUSIEK. Mr. KIRrane, can you give us any figures as to the number of men who belonged to your organization before the strike of 1911 and the number of men belonging to it now?

Mr. KIRrane. Well, before 1911—Mr. Barron is present here, and I think he could give you that better than I could. He was the secretary at that time.

Mr. BUSIEK. Approximately?

Mr. KIRrane. Approximately, I would say, about 3,800 men, thereabouts.

Mr. BUSIEK. How many now?

Mr. KIRrane. One thousand six hundred and twenty-eight.

Mr. BUSIEK. One thousand six hundred and twenty-eight?

Mr. KIRrane. Yes.

Mr. BUSIEK. I understand that there was a wholesale defection from your union at one time when Mr. Pratt withdrew from the local organization here. Do you know about how many men adhered to that faction?

Mr. KIRrane. No, I could not say. I could estimate, but I don't know whether I would be fair or not. I would rather not.

Mr. BUSIEK. Do you know how many men belong to no organization at all?

Mr. KIRrane. Well, I would judge about possibly 30 per cent.

Mr. BUSIEK. About 30 per cent?

Mr. KIRrane. Yes, sir.

Mr. BUSIEK. You think about 1,800 belong to none whatever?

Mr. KIRrane. Yes.

Mr. BUSIEK. How does the Amalgamated Association of Street Car Men as a body regard the cooperative plan in force here in Philadelphia?

Mr. KIRrane. Why, of course, they can register some vigorous complaints against it.

Mr. BUSIEK. Well, what are those complaints?

Mr. KIRrane. Well, particularly for the reason that the percentage of swing runs has increased since the advent of the cooperative plan. I have some figures here.

Mr. BUSIEK. Now explain the swing runs. Are those the runs with a hole in them, as I understand it?

Mr. KIRrane. Yes.

Mr. BUSIEK. Where you work on the peak load in the morning and lay off in the middle of the day and then go back on the peak load in the evening?

Mr. KIRrane. Yes. Previous to the advent of this management here there was a total of 2,810 runs on the system, 1,775 of which were straight runs, and 1,035 of which were swing runs.

Mr. BUSIEK. How many swings?

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Mr. KIBRANE. One thousand and thirty-five. At present there is a total of 2,471 runs, 1,382 of which are straight runs and 1,089 of which are swing runs.

Mr. BUSIEK. So there is an increase of about 54 swing runs in that time, and a general decrease of something like——

Mr. KIBRANE (interrupting). A total decrease of 339 runs.

Mr. BUSIEK. A decrease of 339 straight runs?

Mr. KIBRANE. No; total decrease in both.

Mr. BUSIEK. Total decrease in both, 339?

Mr. KIBRANE. Yes, sir.

Mr. BUSIEK. There are 54 swing runs now than formerly; is that right?

Mr. KIBRANE. Yes, sir.

Mr. BUSIEK. Mr. Mitten testified that these runs were arranged by the cooperative committee working in conjunction with the operating department. Is that true?

Mr. KIBRANE. Well, I am not exactly prepared to say whether it is or is not. I haven't any specific knowledge on it, on account of not being there to see just how it is done.

Mr. BUSIEK. Well, do you know any of the cooperative committee men?

Mr. KIBRANE. Yes; I know several of them.

Mr. BUSIEK. Do they admit having any hand in the arrangement of these runs?

Mr. KIBRANE. Some of them deny it.

Mr. BUSIEK. They deny that they have any hand in it?

Mr. KIBRANE. Some of them say they object to them when they are introduced.

Mr. BUSIEK. They object to what?

Mr. KIBRANE. They object to these schedules when they are introduced.

Mr. BUSIEK. Do you think that these swing runs are necessary? Do you think they are unwarranted by traffic conditions?

Mr. KIBRANE. Well, if you are going to judge from the viewpoint of economy, I should say they are warranted by traffic conditions; but, then, the life of the worker is not to be gauged entirely by the measure of economy that can be effected in the operation of the road, I don't think.

Mr. BUSIEK. Does your organization or do you think that the company in any way controls the selection of these committee men?

Mr. KIBRANE. Well, I would say that they are in a position to largely influence the selection of them.

Mr. BUSIEK. In what manner?

Mr. KIBRANE. Because of the fact that representatives of the organization are not allowed to speak and propagate the ideas of the organization around the various depots without running a risk of being dismissed therefor.

Mr. BUSIEK. Well, that doesn't influence the selection of any particular man on the committee, does it?

Mr. KIBRANE. Yes; I believe that there are men there with strong union proclivities who fear to nominate or advocate the selection of what might be their personal selection, because of the fact that they would be liable to be discharged for so doing. At least they think so.

Mr. BUSIEK. Well, have you any idea that the ballot is not secret?

Mr. KIBRANE. Well, previous to right recently I know for a fact that the ballot was not secret. I know for a fact that they had a crude system here wherein you wrote your own name and your badge number on the same piece of paper that you used to vote for the man of your selection for the cooperative committee.

Mr. BUSIEK. And do you think, or is it a fact, that any man who was active in union circles or in union organization was discharged?

Mr. KIBRANE. Yes; from the carmen's protective association there were 21 of them discharged for union activity. From our organization there were 3.

Mr. BUSIEK. When?

Mr. KIBRANE. Well, I guess it would be July a year ago. About two years now that the 21 were discharged, and the 8th of last February that myself and two others were discharged.

Mr. BUSIEK. Were you wearing union buttons at the time?

Mr. KIBRANE. At the time the 21 was discharged some were; I think that they were.

Mr. BUSIEK. Were any of the men that were discharged violating any of the rules of the company? Now, for the time being, we won't consider whether or not those rules are, in your opinion, just, but were they violating the rules

of the company as to organizing in the barns and carrying on and wearing the buttons while on duty?

Mr. KIRKANE. Yes; I guess some of them were attempting vigorously to complete their organization.

Mr. BUSIEK. Do you know of any instance where a man has been discharged for merely voting for a union man?

Mr. KIRKANE. No; I do not.

Mr. BUSIEK. I take it that you don't agree with the officials of the company, then, in their view that the organization of any one of these particular factions should be carried on at the barn? Their view is that it should not be carried on at the barn, and you insist upon your right to do it or the men's right to do it?

Mr. KIRKANE. I think it is only exercising one's personal liberty when he is doing it.

Mr. BUSIEK. Are there any men of your association on this cooperative committee?

Mr. KIRKANE. No; there is not.

Mr. BUSIEK. There is not?

Mr. KIRKANE. No.

Mr. BUSIEK. Has there ever been?

Mr. KIRKANE. Yes; there has; but these fellows have dropped out of membership from our organization. Two there was. Our organization has continuously opposed it and advocate that our men not participate in the affair at all.

Mr. BUSIEK. Is there any other reason besides increasing the number of swing runs that caused you to be opposed to this cooperative plan?

Mr. KIRKANE. Yes; there is another reason, the principal of which is that I think that because of the fact that by rerouting the spirit of the letter of the arbitration award was broken, and that the seniority rights of the men who were out on strike previous to February, 1910, had to be restored.

Mr. BUSIEK. That was settled by arbitration, was it not?

Mr. KIRKANE. Yes, sir, but the award of the arbitration was broken by the rerouting and depositing seniority scheme. The arbitration award requires the men hired prior to the 21st of April, 1910, to remain on the lines that they were then working on. This depositing seniority award permits them to get off that line and get on any line now. For instance, when they started to introduce the near-side car on several of the lines, the fellows that had worked during the strike had been working on lines that did not have the one-side cars, and at the first picking they went over and picked runs on the lines on which near-side cars were operated, and picked the best lines.

Mr. BUSIEK. Let me see if I understand this. The arbitration award provided that the men who came on as strike breakers—

Mr. KIRKANE (interrupting). That is the idea.

Mr. BUSIEK. Should—

Mr. KIRKANE (interrupting). Previous to April 21—

Mr. BUSIEK. (continuing). Previous to April 21, 1910, should remain on the lines that they were running then?

Mr. KIRKANE. That is the idea.

Mr. BUSIEK. They could have stayed on those lines as long as they wanted to.

Mr. KIRKANE. Yes, sir.

Mr. BUSIEK. Well, that is clear.

Mr. KIRKANE. They could not get off them.

Mr. BUSIEK. The men who went out on strike, by this arbitration award, were to come behind them—go behind them in seniority?

Mr. KIRKANE. That is the idea.

Mr. BUSIEK. Now, as long as those cars ran on these tracks, these men have seniority rights—that is, these men who came in as strike breakers?

Mr. KIRKANE. Yes.

Mr. BUSIEK. But your contention is that as soon as the company shifted the lines, for some reason or other, that the seniority rights ceased, and the old men who had gone out on strike should have preferred seniority rights; is that the idea?

Mr. KIRKANE. That is it. One of the principal reasons and purposes for the award being made the way it was, was that some of the lines did not have as good cars on as others, and I guess, in order to secure good runs and good line, why, for a certain set of people the arbitrators made the awards.

Mr. BUSIEK. Well, you would have had no complaints against the seniority rule now, or would have no complaint against the seniority rule now if the company had not rearranged it?

Mr. KIRRAKE. That is the idea.

Mr. BUSIEK. If those fellows were still on the old runs you would have no complaint?

Mr. KIRRAKE. We would believe that the spirit of the award was being lived up to, but as things are going now it is not.

Mr. BUSIEK. And that is because they have been put on other lines?

Mr. KIRRAKE. Yes; that is the idea.

Mr. BUSIEK. Your contention is that that is not living up to the spirit of the award?

Mr. KIRRAKE. Yes.

Mr. BUSIEK. Have you any other objections to the cooperative plan?

Mr. KIRRAKE. Yes, I have.

Mr. BUSIEK. Of course, that is not an objection to the cooperative plan itself, it is merely an objection leveled at the method of working out the seniority rule, isn't that true?

Mr. KIRRAKE. Yes; but it is a part of the plan, I presume.

Mr. BUSIEK. What other objection have you?

Mr. KIRRAKE. Well, I have some schedules and data here regarding the periods of time over which swing runs stretch in the different depots, summaries of the swing runs. Out of about 11 depots, 44 are completed within 11 hours, or 5.4 per cent of them; 98 are completed within 12 hours, or approximately 12 per cent of them; 251 of them are completed within 13 hours; that is, between 12 and 13 hours.

Mr. BUSIEK. How many is that?

Mr. KIRRAKE. Well, 251 of them completed between 12 and 13 hours, constituting about 30 per cent of them roughly; 386 of them are completed between 13 and 14 hours, constituting about 47.2 per cent of them; approximately 31 of them are completed between 14 and 15 hours, constituting about 3.9 per cent of them; 7 of them run over 15 and are completed within 16, constituting about 1.4 per cent of them approximately. Mr. Mitten stated here that when he came on here there was a good many swing runs that required an elapsed time of 16 hours before they could be completed. Well, speaking from my knowledge, conditions in my depot, I know that that was not the case up there, that all of them were completed within—the greatest of them were about 13 hours. We had a contract with the company here for about—it was supposed to be for a year, but only lasted about eight months, and that contract resulted in all the runs being—well, I would say 80 per cent of the runs—being made straight runs, 9 and 11—9 hours having to be completed within 11, and 10 hours within 12, and that agreement was adhered to very well for about eight months, and so far as the schedules were concerned, they kept them right on after the February, 1910, strike up until the time Mr. Mitten came here.

Mr. BUSIEK. What were the wages under that schedule?

Mr. KIRRAKE. Twenty-two cents per hour; 21 previous to the agreement.

Mr. BUSIEK. So that—was that a flat rate of 22 cents?

Mr. KIRRAKE. Yes; a flat rate of 22 cents.

Mr. BUSIEK. No graded scale?

Mr. KIRRAKE. No graded scale.

Mr. BUSIEK. Now, do you controvert Mr. Mitten's statement about cutting down the number of long-time swing runs, or are you speaking just of the one barn?

Mr. KIRRAKE. One barn. I think that if the commission heard the testimony of people that worked in the various car barns at the time, why, they were not organized and did not know conditions generally; each fellow knew them in his own locality.

Mr. BUSIEK. Well, have you any statistical data as to these runs?

Mr. KIRRAKE. Yes; but I haven't it here with me.

Mr. BUSIEK. Could you furnish the commission with it?

Mr. KIRRAKE. I think I could.

Mr. BUSIEK. Such data as you have, and I would also like to ask Mr. Tutley to furnish the commission with such data on these swing runs, if you will?

Mr. TUTLEY. We are asking Mr. Kirrane for the same thing.

Mr. KIRRAKE. Yes, sir.

Mr. BUSIEK. Does your union object to any of its members being elected on these cooperative committees?

Mr. KIRRAKE. No; not as a union.

Mr. BUSIEK. I believe you said before that some committeemen told you that they really had no voice in the arrangement of these runs. Now, do you think

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that that might fairly be said to be the case, or did you give full credence to that?

Mr. KERRANE. I did; because of the fact that the committeeman I have in mind was very reluctant about advocating the good features of the schedule, if there was any.

Mr. BUSIEK. Have you ever heard of any cases of the company opposing anything proposed by the cooperative committee, and standing on its superior right to enforce its wishes?

Mr. KERRANE. Yes; particularly the proposition to restore seniority rights as prevailed previous to February, 1910.

Mr. BUSIEK. Did the cooperative committee recommend that the seniority rights be restored, as they existed prior to February, 1910?

Mr. KERRANE. Well, from the way I have the story I believe they were shut off pretty abruptly before the discussion developed very far and told that that could not be considered.

Mr. BUSIEK. Shut off by whom?

Mr. KERRANE. By the chairman of the committee.

Mr. BUSIEK. How long ago was this?

Mr. KERRANE. Well, I guess it has been over two years.

Mr. BUSIEK. Have you ever tried the expedient of electing union men to this committee to gain the ends that the union desires?

Mr. KERRANE. Well, when this committee was first formulated—that is, after it was first elected—there were several union men on it, but it seems that they could not carry out the ideas and tenets of their unionism. They were suppressed.

Mr. BUSIEK. You say these men no longer belong to your organization?

Mr. KERRANE. What is that?

Mr. BUSIEK. You say these men withdrew from your organization; didn't you say that a while ago?

Mr. KERRANE. Two of the members that belonged to our organization that afterwards got on the cooperative committee withdrew from our organization. Several of the members of the cooperative committee represented the Protective Carmen's Union and were sent out of the cooperative committee.

Mr. BUSIEK. What tenets of your union were these men unable to carry out?

Mr. BUSIEK. What tenets were they unable to carry out?

Mr. BUSIEK. Yes.

Mr. KERRANE. I don't know; I never heard them say. I don't believe they ever attempted to carry any of them out.

Mr. BUSIEK. I thought you said a minute ago these men withdrew from the cooperative committee because they were unable to carry out the tenets of the union?

Mr. KERRANE. No; they withdrew from the union.

Mr. BUSIEK. Oh, they withdrew from the union?

A VOICE IN THE AUDIENCE. For a point of information, am I privileged to ask a question? I am a witness here on this business. Am I privileged to ask the Chair a question?

Acting Chairman WEINSTOCK. Yes.

A VOICE. Do I understand that this investigation pertains to the employee and the employer? Isn't it to get an understanding of the conditions existing between the employer and the employee?

Acting Chairman WEINSTOCK. The purpose of the commission is to get the fullest possible information from every point of view.

A VOICE. Well, are we learning anything from this witness? Isn't he only guessing and fishing. He has never been a member of this committee, consequently he don't know anything about it.

Acting Chairman WEINSTOCK. He has the right of way just now, and when your time comes you will have the right of way and the right to be heard.

A VOICE. Are you going to take his opinions and his guesses and information obtained from other people? I understand you want first-hand matter.

Acting Chairman WEINSTOCK. That will be for the commission itself to determine.

A VOICE. Well——

Acting Chairman WEINSTOCK. Will you please give us your name?

A VOICE. Mr. Hughes.

Mr. BUSIEK. You will be called as a witness later on.

Mr. HUGHES. Yes; but I would like to learn something.

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Commissioner O'CONNELL. What do you represent, Mr. Hughes?

(No response.)

Mr. BUSIEK. Do you object to the 22 per cent wage fund for trainmen?

Mr. KIRKANE. I can not see why only 22 per cent of the gross passenger receipts are set aside for the fund out of which the payment of wages should be made. Why can't it be higher?

Mr. BUSIEK. Well, do you object to the principle then, let us put it, instead of establishing a certain fixed definite amount for wages?

Mr. KIRKANE. Not if it is large enough.

Mr. BUSIEK. Do you think that 22 per cent is too small?

Mr. KIRKANE. I do.

Mr. BUSIEK. Do you feel that the union would have advanced the wages more than 8 cents an hour in the same length of time?

Mr. KIRKANE. If they were effectively enough organized.

Mr. BUSIEK. Has the membership in your organization grown or fallen off in the last two years?

Mr. KIRKANE. It has grown.

Mr. BUSIEK. You attribute that to disaffection with the present cooperative plan?

Mr. KIRKANE. I certainly do.

Mr. BUSIEK. Your membership has grown from what sources? From the unorganized or the other factions?

Mr. KIRKANE. Well, from all factions, I would say; just the percentage of each I could not tell you definitely.

Mr. BUSIEK. Does the union favor the cooperative beneficial association of the companies?

Mr. KIRKANE. Well, they never took any definite action with regard to it as a union.

Mr. BUSIEK. Has that had any effect upon the membership in your union?

Mr. KIRKANE. Well, I don't think it has.

Mr. BUSIEK. How do the benefits paid under this plan of the companies compare to the benefits paid and the cost in your organization, if you have such a plan?

Mr. KIRKANE. Well, I don't know just how I could make a comparison, because we have a graduated death and disability fund ranging from \$100 to \$800, and from one to nine years; for the first year \$100, and so on, in that graduating way.

Mr. BUSIEK. Do you have a sick benefit?

Mr. KIRKANE. We do not have a sick benefit.

Mr. BUSIEK. The company has a sick benefit of \$1 a day for 100 days?

Mr. KIRKANE. Yes.

Mr. BUSIEK. That is a feature yours does not possess?

Mr. KIRKANE. Yes.

Mr. BUSIEK. And then the company pays, I think, \$500 in the case of death; am I right?

Mr. KIRKANE. Yes.

Mr. BUSIEK. And yours pays a graduated amount ranging from what?

Mr. KIRKANE. One to eight hundred dollars?

Mr. BUSIEK. From \$1 to \$800?

Mr. KIRKANE. Yes; \$1 to \$800.

Mr. BUSIEK. What are the dues required?

Mr. KIRKANE. The dues in our organization are \$1 per month.

Mr. BUSIEK. And how much is it with the Cooperative Benefit Association?

Mr. KIRKANE. Why, I think it is 25 cents from each employee that is affiliated. I don't know whether that is per month or per week; I am not sure.

Mr. BUSIEK. Is this benefit association helping to harmonize the employees any do you think?

Mr. KIRKANE. I could not say that it did. I don't know any reason why it would.

Mr. BUSIEK. You don't see in that any magnet that draws away from the union?

Mr. KIRKANE. No.

Mr. BUSIEK. And the union as a union has taken no attitude toward it at all?

Mr. KIRKANE. Not at all.

Mr. BUSIEK. You don't regard it as any scheme to draw people from the union?

Mr. KIRKANE. No.

Mr. BUSHEK. Can you name any city where wages have increased as fast proportionately under unions as they have here in Philadelphia under this cooperative plan?

Mr. KIRKANE. No; I can not, but there is a couple of gentlemen here who will testify after me who will be able to advise you thoroughly on that point.

Mr. BUSHEK. Is there any organized discrimination against the members of your union or of any union by the company?

Mr. KIRKANE. Well, I guess not, so long as they remain peaceful and submissive. As soon as they become agitative—

Mr. BUSHEK (interrupting). By agitative, let's differentiate in the barns and out of them. Has any man ever been reduced or any man ever been discharged for agitating outside of the barn, or for merely agitating when he don't violate any of the rules of the company?

Mr. KIRKANE. While I do not specifically know, there is a lot of things that would indicate to me that they are—they have been.

Mr. BUSHEK. For instance, how was that indicated to you?

Mr. KIRKANE. Well, I noticed that men who were the most aggressive going around and attempting to increase the membership of their unions were discharged, and I know for a fact that all of them did not do it in and about the depot, some of them did it outside the depot, in restaurants, and places adjacent to the depot, and it seems the reports had gotten to the officials of the fact of their pernicious activity, if you will have it that way.

Mr. BUSHEK. Does the cooperative committee ever take any action in these matters?

Mr. KIRKANE. Well, previous to the holding of the last vote on whether the cooperative plan should be conducted, it seemed to be fairly busy in and about the depots in agitating the continuance of the plan in and about the depots.

Commissioner O'CONNELL. How long since you have been employed by the company?

Mr. KIRKANE. It has been one year last February the 8th.

Commissioner O'CONNELL. You have been employed, then, since the cooperative plan has been in existence?

Mr. KIRKANE. Yes, sir.

Commissioner O'CONNELL. And what do you claim you were discharged for? What was the claim?

Mr. KIRKANE. Why, Mr. Tulley told me I was a knocker and a trouble maker. Commissioner O'CONNELL. And that simply ended your services?

Mr. KIRKANE. Simply ended my services.

Commissioner O'CONNELL. Did you make any effort to have any investigation made as to whether you were a knocker?

Mr. KIRKANE. I did not; I did not think it would be useful.

Commissioner O'CONNELL. You did not go to this committee and appeal to their good offices to do anything in your behalf?

Mr. KIRKANE. No.

Commissioner O'CONNELL. Have there been similar cases to yours?

Mr. KIRKANE. Yes, sir.

Commissioner O'CONNELL. Have any of them that you know of made any effort to have their cases investigated?

Mr. KIRKANE. Well, I could not. I believe some of them did. I could not definitely say which ones of them did or just who.

Commissioner O'CONNELL. You don't know positively?

Mr. KIRKANE. I don't know positively.

Commissioner O'CONNELL. Do you know of any cases where this committee has adjusted, where men have been threatened with dismissal or upon the carpet, as it were, and they appealed to the committee to use their good offices in their behalf?

Mr. KIRKANE. No; I do not.

Commissioner O'CONNELL. Do you know of anything that this committee has done in behalf of the men?

Mr. KIRKANE. I don't know of anything.

Commissioner O'CONNELL. What does the committee do, in your opinion?

Mr. KIRKANE. Take orders, in my opinion.

Commissioner O'CONNELL. To do what?

Mr. KIRKANE. Takes orders to see that the men are kept in a peaceful state of mind, to see that they do not jump the harness, so far as the cooperative plans are concerned.

Commissioner O'CONNELL. Then, as I catch your meaning—then the committee is simply a sort of a means or a place where the men may be referred to, a sort of a cemetery for grievances? Do I catch your meaning?

Mr. KIRKANE. That is the idea.

Acting Chairman WEINSTOCK. You say that you operated under this cooperative system before your retirement?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. I take it, therefore, that you are quite familiar with it?

Mr. KIRKANE. Well, not in the last year and six months, not so familiar with the particulars.

Acting Chairman WEINSTOCK. Well, now, from what you know of the system, if a committee of street-car workers should wait on you to-day and say to you that they came from New York or from Boston or from Troy or Albany, or from some other city, and explained to you that their company had made to them the proposition of initiating the Philadelphia plan, but before deciding on it they wanted to get your views and wanted to get your advice and wanted to know whether you would advise them to go into the system, what would be your advice?

Mr. KIRKANE. I would tell them to stay away from it; that they can better keep control of their own destinies by being organized in their own unions.

Acting Chairman WEINSTOCK. You would advise them not to accept the proposition?

Mr. KIRKANE. I certainly would.

Acting Chairman WEINSTOCK. You would advise them not to accept the proposition, because, as you say, they can better control—

Mr. KIRKANE (interrupting). Their own destinies.

Acting Chairman WEINSTOCK. Their own affairs than they could under this system?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. How do you reconcile that statement with the facts as they have been brought out here, with much of which you have agreed to—that you do not know of any other city where the wages have increased as rapidly as they have here or where the working conditions are any better than here?

Mr. KIRKANE. Well, merely because I don't know that there are other cities in which wages have increased as rapidly as not proof that there is not other cities that wages have increased as rapidly as they have here.

Acting Chairman WEINSTOCK. Well, as secretary of the street-car men's association, don't you keep yourself informed of conditions generally? Isn't that part of your work?

Mr. KIRKANE. Well, it is a sort of a big job trying to keep informed on conditions all over, and I am not in a position to get reports. They are not always available to me on these things.

Acting Chairman WEINSTOCK. Is your association just a Philadelphia association, or have you affiliations?

Mr. KIRKANE. We have international affiliations.

Acting Chairman WEINSTOCK. Well, don't you get reports from all of the different cities?

Mr. KIRKANE. Yes; but it is about once a year that we get them.

Commissioner O'CONNELL. You are simply a local secretary in Philadelphia?

Mr. KIRKANE. That is all.

Acting Chairman WEINSTOCK. But are not the general reports distributed among all the locals with that information?

Mr. KIRKANE. Yes; about once a year.

Acting Chairman WEINSTOCK. So you say that while you do not know of any other city where wages have increased, that there may be other cities that you don't know about?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. Now, it is admitted, then, that the wage of the men here has increased about 27 per cent since this system has gone into operation?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. Are the working conditions better or worse than they were before this system went into operation?

Mr. KIRKANE. Well, in point of longer hours and more swing runs, I would say they were worse. So far as the type of car is concerned on which the employees operate, it is a better car to operate.

Acting Chairman WEINSTOCK. Yes.

Mr. KIRKANE. And the fact the wages have increased 27 per cent, why, does not speak much. They needed it. They were very poorly paid here for a big city like this.

Acting Chairman WEINSTOCK. And the wages that they were paid at the time that this system went into operation, then, was less than the wages paid in other cities?

Mr. KIRKANE. Yes; other big cities.

Acting Chairman WEINSTOCK. In other words, the Philadelphia street-car men, compared with street-car men in other communities, were underpaid?

Mr. KIRKANE. Yes; that is the idea—at that time.

Acting Chairman WEINSTOCK. What is the average wage paid in other cities of this size, so far as you know?

Mr. KIRKANE. Well, Chicago was getting—well from 3 to 5 cents more an hour I believe, pretty near certain, more than we were here at the time the cooperative plan was started. Detroit was getting possibly 4 to 5 cents an hour more than we were here at the time this plan was started.

Acting Chairman WEINSTOCK. Are you in a position to furnish this commission with the wage rates, the street-car conditions in various eastern cities in 1910 and 1914?

Mr. KIRKANE. No; only those that I would get from the international union.

Acting Chairman WEINSTOCK. That would be for 1910?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. Will you furnish the commission with those reports for the comparison?

Mr. KIRKANE. Yes, sir.

Acting Chairman WEINSTOCK. Now, you say you know that there is dissatisfaction among the Philadelphia street-car workers in relation to this cooperative plan?

Mr. KIRKANE. There is.

Acting Chairman WEINSTOCK. How do you know that?

Mr. KIRKANE. Why they come into our office and meetings and complain about it.

Acting Chairman WEINSTOCK. How many specific complaints have come to you directly?

Mr. KIRKANE. Oh, no less than 300.

Acting Chairman WEINSTOCK. Three hundred?

Mr. KIRKANE. In the short time I have been there.

Acting Chairman WEINSTOCK. How many employees are there in the street-car companies?

Mr. KIRKANE. Well, I guess—I should judge there would be about 6,000.

Acting Chairman WEINSTOCK. About 6,000?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. That would be about 5 per cent then that have complaints?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. Would that indicate that 95 per cent of them were satisfied?

Mr. KIRKANE. No; not every man that is dissatisfied complains.

Acting Chairman WEINSTOCK. But every man that does complain is dissatisfied?

Mr. KIRKANE. That is the idea, the converse.

Acting Chairman WEINSTOCK. Well now, you have heard Mr. Mitten explain that the ballots are secret, and that the question as to whether a man wanted to continue with this system or go under unionism pure and simple was submitted to the men and that more than two-thirds voted in favor of the continuance of the present system. How do you reconcile that with your point of view?

Mr. KIRKANE. Well, Mr. Mitten had access to the employees; he had his emissaries out urging the continuance of the cooperative plan while we were denied permission to advocate our policies among the men.

Acting Chairman WEINSTOCK. Well, the men employed in the service are men of average intelligence, are they not?

Mr. KIRKANE. Yes.

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Acting Chairman WEINSTOCK. They have to be, in order to get the job?

Mr. KIRKANE. I could not say any different.

Acting Chairman WEINSTOCK. Well, now, if you and I were workers in the service of the company and Mr. Mitten came to you or to me and gave us his point of view, so long as we had a secret ballot he could not control that, we might listen, might even nod our heads, but still vote as we pleased, could we not?

Mr. KIRKANE. Yes; you could.

Acting Chairman WEINSTOCK. Would the secret ballot be an absolute protection?

Mr. KIRKANE. These men are men overly suspicious, I suppose.

Acting Chairman WEINSTOCK. Well, supposing they are, if the ballot is secret, they have no means of knowing how you or I vote?

Mr. KIRKANE. They don't always believe it is secret, no matter how secret it is; they are afraid to take a chance.

Acting Chairman WEINSTOCK. Well, Mr. Mitten explained that they had more recently introduced the voting machine. Now, do you know of any way whereby the voting machines will expose a man's vote?

Mr. KIRKANE. I don't know of any.

Acting Chairman WEINSTOCK. Then does not the man have absolute protection when he votes with the voting machine as to the secrecy of his ballot?

Mr. KIRKANE. I think he does.

Acting Chairman WEINSTOCK. And if more than two-thirds want the system, is it not the duty of the minority there to concede or get out, so long as we have government by the majority?

Mr. KIRKANE. Yes; but I think the minority should be represented at all times. I believe that they have got rights.

Acting Chairman WEINSTOCK. Well, that may be; but still if the company is adopting the majority vote, permitting the majority vote to rule, it is doing nothing more and nothing less than you and I are doing politically. Politically the majority rule, and it is the result, perhaps not the best conceivable plan, but the best possible plan, as demonstrated by experience, through hundreds of years of civilization. The grievances, then, as I understand it, against this system, are the split runs?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. And the fact that the unions do not control, and what other grievances?

Mr. KIRKANE. I did not make that a grievance, did I, that the unions do not control thoroughly?

Acting Chairman WEINSTOCK. Perhaps not, but I possibly got that idea from the fact that you said that under this system that you believed the men, if they remained in their unions and did not have the cooperative situation, could control the situation better. Did I understand you correctly in that?

Mr. KIRKANE. Yes, sir.

Acting Chairman WEINSTOCK. So I assume that in the absence of union control you would consider that a disadvantage?

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. Are there any other grievances?

Mr. KIRKANE. I have mentioned the swing run and the seniority, are the principal ones.

Acting Chairman WEINSTOCK. Those are the two principal ones?

Mr. KIRKANE. Yes.

Commissioner LENNON. I want to ask you if there is anyone here that can furnish the commission with the data showing the straight runs and the swing runs in several of the large cities of the country? I don't mean to furnish it to-day, or even to-morrow, but to furnish us with that information, taking Chicago and St. Louis and Detroit and Louisville, perhaps, and Atlanta and Boston, say, a dozen or such matter of the large cities of the country, and furnish it as to this city, so that the commission can compare as to whether there is a large difference as to this city and other cities where similar conditions in some respects do not prevail.

Mr. KIRKANE. Yes.

Acting Chairman WEINSTOCK. The meeting will now stand adjourned until to-morrow morning at 10 o'clock.

(Adjourned until June 24, 1914, at 10 a. m.)

COOPERATIVE PLAN OF THE PHILADELPHIA RAPID TRANSIT CO. 2767

PHILADELPHIA, PA., *June 24, 1914—10 a. m.*

Present: Commissioner Weinstock, acting chairman; Commissioners O'Connell and Lennon.

Acting Chairman WEINSTOCK. The commission will please be in order. Mr. Busiek, you may proceed.

Mr. BUSIEK. I will call Mr. John H. Collins.

TESTIMONY OF MR. JOHN H. COLLINS.

Mr. BUSIEK. Mr. Collins, at the outset I am going to request, because of the large space and the arrangement of the room, that you speak as loud as possible. There are people behind you and everyone wants to hear.

For the purposes of the record, will you please state your name?

Mr. COLLINS. John H. Collins.

Mr. BUSIEK. John H. Collins?

Mr. COLLINS. Yes.

Mr. BUSIEK. What is your occupation, Mr. Collins?

Mr. COLLINS. I am president of the Carmen's Association of America.

Mr. BUSIEK. That, I believe, is purely a local organization here in Philadelphia existing amongst the employees of the Philadelphia Rapid Transit Co?

Mr. COLLINS. Exactly.

Mr. BUSIEK. When was that organized?

Mr. COLLINS. In July, 1909.

Mr. BUSIEK. And what conditions gave rise to the organization of that association?

Mr. COLLINS. Well, I will give you the facts as I understand them myself, being a participant at the time. The strike of 1909 took place and there were some 1,400 men who remained loyal on their cars. In other words, they refused to leave their cars; and after the strike, which lasted but about a week, I presume, I think about a week, things became so intolerable for those men who were on their cars, that is from the opposite direction, life was—it was miserable to live under the circumstances.

Mr. BUSIEK. Now, Mr. Collins, do not veil your language. You talk about intolerable conditions from the other side. Tell us what the conditions were and what the other side was.

Mr. COLLINS. The conditions were simply these: The men were antagonized, insulted, and abused both by acts and by words.

Mr. BUSIEK. By whom?

Mr. COLLINS. By men, I presume, at that time that called themselves the Amalgamated Association, or those men who went out on strike.

Mr. BUSIEK. Your organization, then, was composed of the men that you call the loyal men?

Mr. COLLINS. Yes, sir.

Mr. BUSIEK. The men who remained on their cars?

Mr. COLLINS. The men who remained on their cars.

Mr. BUSIEK. How many men were there, approximately?

Mr. COLLINS. About 1,400, to the best of my knowledge.

Mr. BUSIEK. About how many men were out on strike?

Mr. COLLINS. I should judge at that time we had in the neighborhood of 6,000 employees, between 5,000 and 6,000.

Mr. BUSIEK. Between 5,000 and 6,000?

Mr. COLLINS. Yes, sir; that is, conductors and motormen.

Mr. BUSIEK. You formed a union with its primary purpose to protect yourselves against the men who were on strike?

Mr. COLLINS. Exactly so.

Mr. BUSIEK. Did you employ any one to assist you with physical force? Or was it just for moral effect?

Mr. COLLINS. Just a moral affair, absolutely.

Mr. BUSIEK. Thereafter, after the strike was settled, did you still continue your organization?

Mr. COLLINS. We still continued our organization; yes, sir.

Mr. BUSIEK. Were you a party to the arbitration agreement as an organization?

Mr. COLLINS. I was not.

Mr. BUSIEK. Was your organization a party?

Mr. COLLINS. Our organization was not.

Mr. BUSIEK. Did your organization receive any assistance from the Philadelphia Rapid Transit Co.?

Mr. COLLINS. We did not.

Mr. BUSIEK. Financially or otherwise?

Mr. COLLINS. Our organization is self-supporting.

Mr. BUSIEK. Was it at that time, at its inception, or has it ever been since its inception?

Mr. COLLINS. It has been. Our organization is self-supporting, and I have statistics to demonstrate the fact.

Mr. BUSIEK. Was any encouragement given your organization by the officers of the Philadelphia Rapid Transit?

Mr. COLLINS. Which?

Mr. BUSIEK. Did the suggestion for your organization or any encouragement come from the officers of the Philadelphia Rapid Transit at the time of the organization?

Mr. COLLINS. So far as I know, and I think I am in a position to know, there were no suggestions to me. I assumed the responsibility from a personal standpoint.

Mr. BUSIEK. Were you what is known as the organizer of that?

Mr. COLLINS. I was one of them.

Mr. BUSIEK. One of them?

Mr. COLLINS. One of them.

Mr. BUSIEK. Did any of your members join in the strike of 1911?

Mr. COLLINS. They did not—not to my knowledge.

Mr. BUSIEK. How many members has your organization now?

Mr. COLLINS. Well, I have not brought the statistics with me, but if you would like it, I can supply you with complete statistics.

Mr. BUSIEK. I wish you would supply us with statistical tables which you can send to the commission at your earliest convenience.

Mr. COLLINS. I will be very glad to do so.

Mr. BUSIEK. What would be your idea as to the present membership?

Mr. COLLINS. I think I can safely say—if I had known that this question would be asked this morning of me I would have been prepared; as it is, I will make a statement of this character, and I am sure it will be within the radius of truth.

Our organization consists to-day of what we term bona fide members. You see, we are, as you asked me the question, a beneficial organization, and, of course, you understand the nature of that remark. Our bona fide members to-day range from 1,200 to 1,500.

Mr. BUSIEK. Your beneficial organization is independent of that conducted by the company?

Mr. COLLINS. Absolutely.

Mr. BUSIEK. Are your agents permitted to solicit membership or to collect dues in the barns?

Mr. COLLINS. They are not.

Mr. BUSIEK. Have any of your members ever been guilty of an infraction of that rule of the company?

Mr. COLLINS. Now, I must speak as I know, of course.

Mr. BUSIEK. That is what we want.

Mr. COLLINS. I have never known any of the men to violate the rule, because we make it our business to inform those men in regard to the rules, and we impress upon them that one thought, that they must not do it.

Mr. BUSIEK. How does your benefit fund compare with that maintained by the cooperative plan?

Mr. COLLINS. Well, our men pay \$1 to join, and they pay 50 cents a month; and we pay our men \$5 a week for 13 weeks in the year, and we give them a death rate of \$150.

Mr. BUSIEK. Well, your dues are considerably higher and your benefits are considerably lower than those offered by the company.

Mr. COLLINS. Oh, lower; yes.

Mr. BUSIEK. What is the inducement for the men to belong to your organization?

Mr. COLLINS. Well, these men have belonged with us, as I have said, from the inception, and the inducement is simply this: If these men are connected with us, the \$5 they receive from us and that which they receive from the Philadelphia Rapid Transit Co. or from the Cooperative Relief Association is a

source of great benefit to them in the hours of sickness for them and for their families.

Mr. BUSIEK. It is merely an additional benefit, then?

Mr. COLLINS. An additional benefit.

Mr. BUSIEK. How does your membership regard the cooperative plan of the company? Is it satisfied with it in the main?

Mr. COLLINS. When the cooperative plan was presented, it was discussed thoroughly by our membership. In fact, every man employed by the company is informed as to the nature of its plan. After a careful study of it and the presentation of it carefully, why, our men indorsed it unanimously.

Mr. BUSIEK. Indorsed it as a body?

Mr. COLLINS. Indorsed it as a body.

Mr. BUSIEK. What is your opinion as to the value of an organization amongst the employees as a necessity to conserving their interests with the company?

Mr. COLLINS. Well, I have always felt that when a body of men was organized along these lines, not only from the beneficial standpoint, it was essential to their well-being in almost any and every direction.

Mr. BUSIEK. Do you believe that better results could be obtained or that the men could obtain more and better results if there was one strong organization?

Mr. COLLINS. That I am not prepared to answer.

Mr. BUSIEK. Are there any conditions existing now under the cooperative plan that the men at large believe ought to be remedied?

Mr. COLLINS. Well, I have made it my business to inquire carefully among our own men and our own membership, and not only have I subscribed to that alone, I have gone among men of all classes and I find the men as a rule accept the work of the cooperative—that is, the work under the cooperative committee as being both healthful and helpful to all concerned. And I would like to say in connection with this that after close and careful scrutiny of the work I am constrained to say, and with a conservative estimate, that there is at least 85 per cent—I could go beyond that and be within the radius of truth, but 85 per cent of the men are in hearty sympathy and accord with the cooperative work as being carried on at the present time.

Mr. BUSIEK. Are you a member of the cooperative committee?

Mr. COLLINS. I am not.

Mr. BUSIEK. Have you been?

Mr. COLLINS. I have not.

Mr. BUSIEK. That is all.

Commissioner O'CONNELL. Were you ever a member of the Amalgamated Society?

Mr. COLLINS. I was not.

Chairman O'CONNELL. How long have you worked for the company?

Mr. COLLINS. Well, let me say to you that I have been with the company almost half a century—that is, prior to this affair. Almost since I went with them, and I have been connected with the subsidiary roads just less than one year after I returned from the service of my country.

Commissioner O'CONNELL. You say this organization of yours is a beneficial organization?

Mr. COLLINS. Beneficial; yes, sir.

Commissioner O'CONNELL. Has it any other purpose?

Mr. COLLINS. We have no other purpose—that is, only in so far as the other benefits may be derived by the organization and to see that business is conducted so that it will be agreeable to them, of course.

Commissioner O'CONNELL. You look after the interests of your members in so far as their employment with the company is concerned?

Mr. COLLINS. The men who are employed by the company. We have no committee at all to represent us with the Philadelphia Rapid Transit Co. We have no control over the employment.

Commissioner O'CONNELL. If any of your members are discharged for cause and the members thinks it is an unfair discharge, does your organization do anything in the matter?

Mr. COLLINS. Our men are treated absolutely on the same principle as every man employed by them.

Commissioner O'CONNELL. Supposing you were discharged now?

Mr. COLLINS. If I was discharged?

Commissioner O'CONNELL. For some reason or other. Would you take it to your organization?

Mr. COLLINS. I would not, for the simple reason that they could not discharge me.

Commissioner O'CONNELL. Then, your organization has no other purpose than simply that of paying sick benefits and the death benefit to the members?

Mr. COLLINS. I want to make that plain to you. They have no—I have no control over them, neither do they over me.

Commissioner O'CONNELL. Who has no control over you?

Mr. COLLINS. The company—the Philadelphia Rapid Transit Co.

Commissioner O'CONNELL. Has no control over you?

Mr. COLLINS. No control over me; no, sir.

Commissioner O'CONNELL. Could not discharge you?

Mr. COLLINS. They could not discharge me, because I am not working on the cars at all.

Commissioner O'CONNELL. You are not working for the company now?

Mr. COLLINS. No, sir; I am not.

Commissioner O'CONNELL. I misunderstood you. I thought you were now working for the company?

Mr. COLLINS. No.

Commissioner O'CONNELL. Well, are you employed by this beneficial association?

Mr. COLLINS. I interest myself in their work.

Commissioner O'CONNELL. Are you paid a salary by them?

Mr. COLLINS. I am not.

Commissioner O'CONNELL. What are you employed at now?

Mr. COLLINS. Me? I would like to state here that my conditions in life at the present time places me in a position so that I am not dependent on anybody.

Commissioner O'CONNELL. You draw a pension from the Government?

Mr. COLLINS. Me? I certainly do; yes, sir.

Commissioner O'CONNELL. How large a pension?

Mr. COLLINS. Which?

Commissioner O'CONNELL. You don't need to answer that if you don't want to.

Mr. COLLINS. Well, now—

Commissioner O'CONNELL. You don't need to answer that if you don't want to.

Mr. COLLINS. Well, I have a sufficiency coming to me directly to keep me not only now but forever from being obliged to any body or bodies of people to sustain or support me.

Commissioner O'CONNELL. How long since you have been employed by the company?

Mr. COLLINS. Which?

Commissioner O'CONNELL. How long since you have been employed by the street car company?

Mr. COLLINS. I have not been—my name has not been on the rolls since a short time after the induction of the Stotesbury-Mitten administration.

Commissioner O'CONNELL. Have you been employed with the company since the cooperative system has been in existence?

Mr. COLLINS. At the beginning.

Commissioner O'CONNELL. At the beginning?

Mr. COLLINS. I can't remember the date exactly.

Commissioner O'CONNELL. And you don't know very much about its real operation as an employee of the company?

Mr. COLLINS. Well, while I—I might say this, that by careful inquiry through and by the men I have a fair understanding of its operations.

Commissioner O'CONNELL. Don't you think that your members could receive the same beneficial assistance through the organization of the regular street car men—the amalgamated society?

Mr. COLLINS. I want to answer I do not.

Commissioner O'CONNELL. Would not the same amount of sick benefits and death benefits be paid, and probably be more sure, through an organization of that kind?

Mr. COLLINS. I do not think so.

Commissioner O'CONNELL. Why not?

Mr. COLLINS. Well, we pay, as I have already said, a sick benefit of \$5 per week; we pay a death benefit of \$150. We do this. These men become the beneficiaries of this after they have been associated with us for a period of three months. I have here in my hand—

Commissioner O'CONNELL (interrupting). The Amalgamated Association pays as high as \$500.

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Mr. COLLINS. I know nothing about the Amalgamated Association.

Commissioner O'CONNELL. But their officers say they pay a death benefit of \$800, if your membership is sufficiently long.

Mr. COLLINS. It would be useless for me to go into discussing that situation.

Commissioner O'CONNELL. Do you draw a pension from the street car company?

Mr. COLLINS. Sir?

Commissioner O'CONNELL. Do you draw a pension from the street car company?

Mr. COLLINS. I do not

Commissioner O'CONNELL. You do not?

Mr. COLLINS. No.

Commissioner O'CONNELL. Did you leave the company of your own accord?

Mr. COLLINS. Of my own accord.

Commissioner LENNON. Has your organization any rule which forbids the members going on strike?

Mr. COLLINS. I would just like to quote from our by-laws. This will answer your question, I think.

Commissioner LENNON. Yes.

Mr. COLLINS. "We, the United Carmen's Association, wish to advance our interests as workmen. Our purpose is to promote good will between employer and employee; to promote sociability; to improve and educate ourselves ever more fully in the duties of good citizenship and to perform those duties. We desire to protect ourselves against the evil machinations of all who would deny and take from us those rights and privileges which are assured to us by the Constitution of the United States of America, which rights are absolutely necessary for the material, moral, and mental advancement and peace and happiness of ourselves and of our families. While striving for our own advancement we do not deny to others those rights and privileges which we claim for ourselves. We stand for advancement and true welfare of all good citizens, and ever hold out our aim and tendencies toward truth and righteousness. We are opposed to strikes or boycotts, but we do stand for arbitration."

Commissioner LENNON. Well, what you have read is not essentially different from the objects set forth in the constitution of the Amalgamated Society or of the typographical union or of the tailors' organization or of the hod carriers. They all set forth just practically what you set forth there, and that does not—there is nothing there that prevents your organization taking part in the strike.

Mr. COLLINS. The organization declares here that they are unalterably opposed to strikes.

Commissioner LENNON. It does say that?

Mr. COLLINS. Yes.

Commissioner LENNON. I thought you added that afterwards?

Mr. COLLINS. No; it says that. They are opposed to strikes and boycotts, but they do favor arbitration.

Commissioner LENNON. Did you favor the strike of 1861 to 1865 to remove chattel slavery from this Nation?

Mr. COLLINS. Well, now, the only way I can demonstrate that, present that question or answer that question is by saying that in 1861 I was a boy 17 years of age and I tendered my services to the Government of the United States for the support and maintenance of the cause. Now, I think that will answer your question. Don't you think so?

Commissioner LENNON. My father wore one of those buttons until he died, and he was on strike and recognized it as being on strike.

Mr. COLLINS. Yes. Well, I just want to answer in regards to that, I am glad that your father was; but I was one of the longest term men in the service. I entered the Army in 1861 at the age of 17, and I reenlisted in the field for the second term and was mustered out of the service after the expiration of the war on the 29th day of January, 1865.

Commissioner LENNON. Do you or do you not believe that cooperation is or is not necessary among the employees of a corporation or a firm for the securing of better conditions?

Mr. COLLINS. Well, I would just answer that in this way: I believe under the present system of the cooperative system there is hearty cooperation, and I believe it is demonstrated without the possibility or peradventure of a doubt a great blessing and help to all of the car men and their families. I will go even beyond the men themselves. Those having families, it is a blessing to them, and has been a great help to them.

Commissioner LENNON. Well, you indicate in what you previously stated that at least 85 per cent of the members are cooperating under this plan?

Mr. COLLINS. I do.

Commissioner LENNON. And we were told by the general manager of the company yesterday that in the first instance there was an opportunity for the men to have come into this cooperative scheme through their organization, and, as I remember his statement that privilege is still open to them; and that would naturally mean—now this is my conclusion—that would naturally mean that if the men at any time vote to do business as a union or as an organization, that the largest organization would be the one they would do business with, and all the employees would have to go into that organization in order to cooperate.

Mr. COLLINS. They have had and do have opportunities offered to them by voting. They have it annually, on conditions that there are no many subscribed, and in the event of the failure, why, it goes on as it now is.

Commissioner LENNON. Yes.

Mr. COLLINS. Last year on that vote there was, I think, some four thousand and some odd hundreds. I haven't the exact figures, voted in the affirmative sustaining the cooperative work, and there was some two thousand, I think some two thousand and a few hundreds, I don't know the exact figures now, in the opposite direction. Consequently I think that I am justified in making the answer that it is agreeable to the men and they feel the benefits of it.

Commissioner LENNON. Supposing at the next vote the employees voted to do business with the company under this system as an organization, would you and the members of your organization be willing to become members of the organization that they were to do business with?

Mr. COLLINS. Well, that is a question I would not like to answer, because I can not speak for others.

Commissioner LENNON. Well, you can speak for yourself?

Mr. COLLINS. Yes, sir.

Commissioner LENNON. Would you take part in such an organization?

Mr. COLLINS. I don't know that I should, individually. I would have to first consider the conditions, etc., under which it happened.

Commissioner LENNON. Do you believe that the organization of labor has been a benefit to the working class of this country?

Mr. COLLINS. Now, I want to be direct and, at the same time, to be understood. I am in sympathy with organized labor, as I find it in many branches in the country. Some I am not. I think they are—on the principles that our railroad men—firemen and engineers—are organized, I think it is a great benefit to them; I think it is a source of great help to them; and I believe it is to the advantage of men if their organization is conducted on conservative principles and plans, as their men conduct them, so that they are able to govern and control their own organization.

Commissioner LENNON. Are you familiar with the history of the old footboard organization and the locomotive engineers in their early career?

Mr. COLLINS. I have no knowledge of studying it up. No; I have not.

Commissioner LENNON. It would be interesting if you would study it, very.

Mr. COLLINS. Yes, sir.

Commissioner LENNON. You would find they had to go through all the vicissitudes and all the emergencies and changes that the newer organizations are going through, every one of them.

What is the composition of the employees here in this city as to nationality?

Mr. COLLINS. Why, they are mixed, as you find them almost anywhere, I presume. There are representatives here of almost all nationalities employed on our cars. There is not, to my knowledge, any discrimination.

Commissioner LENNON. Are the majority of them American born, Mr. Collins?

Mr. COLLINS. I think they are; yes, sir.

Commissioner LENNON. You think they are?

Mr. COLLINS. By far, I think so; by far.

Commissioner LENNON. Do many of the street car employees here own their own homes?

Mr. COLLINS. Quite a large number of them; quite a large number of them.

Commissioner LENNON. They do own their own homes?

Mr. COLLINS. Own their own homes; yes, sir.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. If a committee of carmen from some other city were to call upon you and explain that their company had offered to introduce

the Philadelphia cooperative scheme, and they had come to you for advice, what advice would you give them?

Mr. COLLINS. I don't quite comprehend you.

Acting Chairman WEINSTOCK. Suppose a committee of carmen, say, from the city of Boston, should call on you to-day and say to you, "Mr. Collins, our company in Boston has offered to adopt the Philadelphia cooperative plan in dealing with its street car workers. You are familiar with the Philadelphia scheme and we have confidence in your judgment, and we want your advice. Shall we go into it?" What would you say?

Mr. COLLINS. I would advise them to accept it.

Acting Chairman WEINSTOCK. You would advise them to accept it?

Mr. COLLINS. I would.

Acting Chairman WEINSTOCK. Now, what reasons would you give them for advising them to accept it?

Mr. COLLINS. I would give them the same reasons I have had demonstrated here. I have seen the great advantages which have accrued to the men through and by the cooperative work.

Acting Chairman WEINSTOCK. Name the advantages.

Mr. COLLINS. Why, these men have provisions, wonderful provisions, made for them through and by that to-day. They receive \$1 a day under the cooperative work for 100 days in the year, and \$150 death rate. Then they have their cooperative store, in which they receive a large discount for all their buying and purchasing prices, clothing and food for their families, and everything pertaining to their health, happiness, and comfort at home. And I should think things of that character would appeal to any man who really loves his home and loves his family.

Acting Chairman WEINSTOCK. Any other advantages?

Mr. COLLINS. Well, there is this advantage, too. I believe that the men are more secure. The men are made to feel now, to-day, not as it was in my early days and through many of my days while I worked on the cars. I have very little sympathy for that thing that we call a job—something that is transient; but under the cooperative work as it is being conducted to-day there is an incentive for the men to do their duty, and there is not one-sixteenth part of the danger of these men getting into trouble, from the fact that these men have been instructed and inculcated into their minds the work of this great organization, and the cooperative work through and by the cooperative committee, and the books which they receive from time to time.

Every man has the privilege of perusing it carefully, without molestation or interference, and digesting the whole work. And that is one of my strong and great reasons for it. I believe it is helpful.

Acting Chairman WEINSTOCK. Suppose, Mr. Collins, this imaginary committee I am talking of should say to you—

Mr. COLLINS (interrupting). Yes.

Acting Chairman WEINSTOCK (continuing). "We have a closed shop on our road. Every man is a union man. We are in a very strong position. We hesitate to accept the cooperative idea, because we think that, as a powerful union, we can secure better wages, better working conditions, and better hours than we could under the cooperative idea."

What would be your answer to that?

Mr. COLLINS. My answer to that would be: "You will have to choose between the two for yourself." I would leave that to their better judgment. To those who come to me, I would not want to inject myself into something that was foreign to my own personal interests.

Acting Chairman WEINSTOCK. Well, from your experience and observation in a long career, under which of the two conditions do you think that you, as a wage earner, could get better results—under the condition of a powerful union, strongly organized, acting as one man, or under the cooperative conditions prevailing in Philadelphia?

Mr. COLLINS. Well, I believe that under the conditions that prevail in Philadelphia the individual man and the men collectively, as a body, get the results—that the results of the work are as great or greater than they would get in the organization.

Acting Chairman WEINSTOCK. So your opinion is that the welfare of the men is better protected under the cooperative plan than it would be under the plan of a powerfully organized union?

Mr. COLLINS. I believe they are protected in this instance, and that there are greater advantages to accrue to them as individual men and as a collective

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body than there could be in that direction; but I am speaking of railroad men; I am not speaking of others, because my surroundings and views are not gained from other organizations. I am speaking about railroad men. I know nothing about others.

Acting Chairman WEINSTOCK. That is all, Mr. Collins. Thank you very much. (Witness excused.)

TESTIMONY OF MR. ROBERT M. KERNAGHAN.

Mr. BUSIEK. Give us your name, please?

Mr. KERNAGHAN. Robert M. Kernaghan.

Mr. BUSIEK. What is your present occupation?

Mr. KERNAGHAN. Part of the time I work on the car, and part of the time I am employed by the Plain Dealer, a local paper in Philadelphia.

Mr. BUSIEK. How long have you worked for the Philadelphia Rapid Transit Co.?

Mr. KERNAGHAN. You mean for the last enlistment, or all the way through?

Mr. BUSIEK. I mean altogether.

Mr. KERNAGHAN. About 12½ years, I should judge.

Mr. BUSIEK. What is the extent of your acquaintanceship with the employees of the company?

Mr. KERNAGHAN. I think I know them pretty thoroughly.

Mr. BUSIEK. And were you ever a member, or are you a member of any labor organization?

Mr. KERNAGHAN. Not at the present time; no, sir.

Mr. BUSIEK. Were you ever?

Mr. KERNAGHAN. Yes, sir.

Mr. BUSIEK. What organization?

Mr. KERNAGHAN. Amalgamated Association of Street and Electric Railway Employees. Oh, I have been a member of other organizations in years gone by, but I have drifted away from that particular craft, you know, and of course got out of the union.

Mr. BUSIEK. When did you sever your connection with the Amalgamated Association of Street and Electric Railway Employees?

Mr. KERNAGHAN. Twenty-third day of December, 1911.

Mr. BUSIEK. Were you in the strikes of 1910 and 1911?

Mr. KERNAGHAN. No; there wasn't any strike of 1911, Mr. Busiek; strike of 1910.

Mr. BUSIEK. Strike of 1910?

Mr. KERNAGHAN. There was a strike in 1895, 1909, and 1910. I was in all of those strikes.

Mr. BUSIEK. Did you go out on all of those strikes?

Mr. KERNAGHAN. Yes, sir.

Mr. BUSIEK. The cooperative plan, I understand, was put into effect in April, 1911, I believe. Is that correct?

Mr. KERNAGHAN. Well, I am not just sure as to the exact date.

Mr. BUSIEK. Can you give us any idea of the conditions existing on the street railway lines now, as compared with those existing prior to the strikes, as to wages, welfare, and so on?

Mr. KERNAGHAN. Oh, the conditions, generally speaking, are much better, yes.

Mr. BUSIEK. Do you attribute that to the cooperative agreement and the workings of it?

Mr. KERNAGHAN. Now, in order to understand that thoroughly, it seems to me that we ought to go into what the conditions were prior to the strikes—what led up to them, and all that.

Mr. BUSIEK. Well, please make a statement?

Mr. KERNAGHAN. That will take some time.

Mr. BUSIEK. Well, as briefly as you can.

Mr. KERNAGHAN. The conditions, up to the strike of 1910, were intolerable; they were abominable. There is no question or doubt about that. I would be only making a fool of myself if I attempted to make any other kind of a statement.

Mr. BUSIEK. That seems to be concealed by both the company and by all the men—

Mr. KERNAGHAN (interrupting). Why, I won't answer for the company, Mr. Busiek; I just answer for myself.

Mr. BUSIEK. I say, that the conditions were intolerable seems to be conceded. Now, what was the strike for in 1910? What specific things did the men want?

Mr. KERNAGHAN. Well, I think they wanted better conditions, generally, more wages—and I don't just remember whether there was a contention as to the hours, but I think there was.

Mr. BUSIEK. Did they get more wages?

Mr. KERNAGHAN. 1910?

Mr. BUSIEK. Since the cooperative plan has been put into effect?

Mr. KERNAGHAN. Yes; the wages have been advanced in less than two years 7 cents an hour—that is, the maximum rate.

Mr. BUSIEK. How about hours?

Mr. KERNAGHAN. Just what do you mean by that, Mr. Busiek?

Mr. BUSIEK. Well, the hours that the men work. You say there was some dissatisfaction about hours. Has the company eliminated this dissatisfaction under the cooperative agreement?

Mr. KERNAGHAN. They eliminated the dissatisfaction as far as the wages were concerned. I don't know how many are dissatisfied with the present hours of labor; but you must remember, Mr. Busiek, that in working this out along economic lines it was necessary—this is my view of it, you see—you understand—I don't claim that I am absolutely right, but this is just my view. It was necessary to cut up the schedules in order to get the most out of it, you understand, to reduce the expenses, and the consequence would be that under the 22 per cent plan there would be more money to be divided among the men.

Now, then, you will understand that if we had the runs that probably most of us would like to have, you know—straight runs, and all that sort of thing—a change in the schedule would mean that there would be more runs, and that would mean more men, and, of course, more men means less money for each individual man, taking it out of the 22 per cent fund. You understand, the less men there are the more money there is for the men. That is my idea of how the thing was worked out. However, that is just my opinion.

Mr. BUSIEK. Has the new schedule resulted, or the new plan resulted in the decrease in the number of men?

Mr. KERNAGHAN. Yes, sir; I think it has.

Mr. BUSIEK. Have any of the old men lost positions by reason thereof, or is it a case of just failing to employ more new men?

Mr. KERNAGHAN. I think it was partly due to that, and then I suppose, too, that there were men who resigned and those who were discharged made up. I don't know of anybody who really lost out through the change of the schedule. I can not think of any just now.

Mr. BUSIEK. Have the men generally been in favor of this readjustment—that is, putting on more bigger cars—as Mr. Mitten testified, speeding up the cars so as to require less cars to operate, and changing the schedules? Have the men been in favor of that in the main?

Mr. KERNAGHAN. You want me to answer that as expressing the sentiment of the men on the system?

Mr. BUSIEK. That is what I want; yes, sir; as gathered by you.

Mr. KERNAGHAN. I can only answer that in this way, Mr. Busiek, that the men voted for a continuance of the cooperative plan.

Mr. BUSIEK. Was that a voluntary action on their part, or have you any reason to think that they were suffering from intimidation—fear of their jobs?

Mr. KERNAGHAN. I can not answer for the whole system, but on the Northeast it is my judgment that they were not.

Mr. BUSIEK. That they were not?

Mr. KERNAGHAN. Not that I know of.

Mr. BUSIEK. Well, what I am trying to get at is, was there any general charge made, or, in the discussions of the men amongst themselves, with whom you said you are well acquainted—

Mr. KERNAGHAN. Yes, sir.

Mr. BUSIEK. Was there any current talk that amounted to much that the men were afraid that if they did not vote for the cooperative system as proposed by the company that they might be discharged or lose their positions?

Mr. KERNAGHAN. Well, there were some who did say that, and some who thought that; but I don't see how that could be discovered under the system of balloting here if they had. The commission knows that. It would be foolish

for me to attempt to answer that in any other way. You spoke of the speeding up?

Mr. BUSIEK. Yes.

Mr. KERNAGHAN. What was it you wanted to know about it?

Mr. BUSIEK. That has been one of the chief factors, has it not, in getting a fewer number of men to do a greater amount of work, so that this 22 per cent would spread among fewer men?

Mr. KERNAGHAN. Yes, sir.

Mr. BUSIEK. What is the attitude of the men generally toward decreasing the speed of the cars and the employment of more men? Do you think that the men at large would favor that, or go back to the old schedules?

Mr. KERNAGHAN. I would not want to misrepresent the facts, Mr. Busiek, and I just give you my opinion of what I have observed. It seems to me, offhand, that about 25 per cent of the men complain about the speed-up system.

Now, when you want to know just what is what and you are watching the thing pretty closely, of course you want to look at the other side of it. In looking it over I concluded that about 25 per cent of the men objected to the fast time, while, on the other hand, there was at least an equal number who, in spite of the fast time, were continuously running ahead of time and are being reprimanded or called down, as the saying is, for exceeding even that speed limit, and the remaining 50 per cent I don't think are saying anything about it. That is my observation.

Mr. BUSIEK. Do you believe that there is actual cooperation between the men and the company? That is, do you think that the beneficial results attained are due to the efforts of the men because of their good will toward the company, or is it the result of better management, better routing, and increasing the size of the cars?

Mr. KERNAGHAN. Well—

Mr. BUSIEK. What I want to get at is: Is there really the spirit of cordiality between the men and the company that is hoped for under this agreement?

Mr. KERNAGHAN. All things considered, there does not seem to be so much dissension. I could only answer it by again referring you to the vote that the men took. That expressed the sentiment of the men, it seems to me. It would be foolish for me to say anything else. The figures are there.

Mr. BUSIEK. Is the vote truly representative of their views?

Mr. KERNAGHAN. I can not say to the contrary; no, sir.

Mr. BUSIEK. Is there any criticism by the men of the cooperative committee as being owned or controlled by the company?

Mr. KERNAGHAN. Oh, you do hear expressions along that line; yes.

Mr. BUSIEK. What is your best judgment as to the real prevailing sentiment among the majority of the people?

Mr. KERNAGHAN. The best I can do, Mr. Busiek, is to refer you again to the vote of the men as to the selection of their representatives on the cooperative committee. That is only fair. The figures speak for themselves, and it would be foolish for me to attempt any other explanation.

Mr. BUSIEK. Does the cooperative committee have any hand in the settlement or in the matter of discharges of men?

Mr. KERNAGHAN. I couldn't answer that satisfactorily, because I am not a member of that committee.

Mr. BUSIEK. Have you ever been?

Mr. KERNAGHAN. Yes, sir; I was for about three months; but at that time, you see—in order to understand just what is what, the cooperative plan was absolutely new. They had not settled down to a working basis, and I don't think it would be well to go into just what happened at that time, because you would not be able to arrive at a result that would be satisfactory to either side.

Mr. BUSIEK. Do you believe that the interests of the men could be better served by a strong organization dealing with the company than with the men dealing with the company individually, as at present?

Mr. KERNAGHAN. Well, now, your prejudices or your enthusiasm might have something to do with an answer to a question like that. I have always been in favor of the union organization, and was a member of such up until the time we were suspended from the Amalgamated Association, and, if you will pardon the conceit on my part, it seems to me I worked as hard, if not harder than, any other man I know of for the success of that organization. Our efforts were not altogether successful. There was misunderstandings in the various committees. It seems to me—I would not want to do anybody injustice; I

would be sorry if that was the result of my answer—but it seems to me that if the men were as much interested in the welfare of their brothers—that is, the officials—as they should have been the organization—the labor organization—would have been one grand affair; but they were not. And while it rather hurts me to say it, it seems to me we have gotten along better under this new arrangement than we did under the old. I don't want to be unfair to anybody, but that is my individual opinion.

Commissioner O'CONNELL. Do you suppose there are personalities that caused that or stand in the road of the amalgamation of the street-car people here—persons, individuals, personalities, prejudices?

Mr. KERNAGHAN. Mr. O'Connell, there was much jealousy. Let me call your attention to something. Maybe it is a little out of order, but let me explain myself in this way—may I have the time to do that?

Commissioner O'CONNELL. Have you something printed there?

Mr. KERNAGHAN. No, sir; this is just the names of the commission and the names of those who have testified here on the cooperative plan.

Now, we have Mr. Mitten, Mr. Tulley, Mr. Kirrane, Collins, Hughes, myself, Reeves, and Fitzgerald. It has been a noticeable fact with me that the man who loses his job or his salary loses his enthusiasm with it. The point I want to make is this: The fellow is very enthusiastic along any line he is employed in as long as he is paid for it. I don't know what the salary of Mr. Mitten is, or what the salary of Mr. Tulley is; I can imagine what Mr. Kirrane's salary is; but the fact is Tulley and Mitten are working for the Rapid Transit Co. and Kirrane is representing the Amalgamated Association, and he is paid as their secretary and treasurer, or secretary, anyway. Mr. Collins says he is not paid, but he is a representative of the Keystone Union. Mr. Hughes is a man I have been associated with for a long while, and to the best of my knowledge and belief the only payment that Hughes gets is what he earns on the cars.

Mr. Reeves—skipping my own name.

Commissioner O'CONNELL. What about your own self—are you bashful about yourself?

Mr. KERNAGHAN. No, sir. I will bring that in. Don't worry; I will get there. Reeves and Fitzgerald represent the Amalgamated Association of Street and Electric Railway Employees of America. All those men are paid a salary to represent their various organizations or associations, whichever it may be, except that one man—Hughes. Now, if a man is paid \$9 a day for doing something, and he does not do it, there is something wrong with that fellow. He is reneging on the job, and he is very apt to be more enthusiastic and more interested along his particular line if he is getting \$9 a day than he would be if he was an ordinary observer and is not getting anything out of it. That is the position I am in here to-day.

I am not connected with any of those organizations; I am not being paid by the Amalgamated, Keystone, or the Rapid Transit Co.; so you see my perspective of things and my viewpoint of things should differ from those who are especially interested or enthusiastic because of the salaries of the positions.

Commissioner O'CONNELL. You are not directly interested in the subject at all as employee of the street car company or member of the organization?

Mr. KERNAGHAN. Only as an employee.

Commissioner O'CONNELL. How are you employed by the company?

Mr. KERNAGHAN. I am a conductor.

Commissioner O'CONNELL. You say you work part of the time?

Mr. KERNAGHAN. Yes, sir. I took advantage of a seniority rule they have that entitles a man to pick anything less than what his seniority calls for. That was a little misunderstood at the time I took advantage of that, or at least asked for that privilege, but there is no way of getting away from the rules; they are there; so my selection was a tripper that works 3 hours in the morning and 1 hour and 50 minutes at night.

Commissioner O'CONNELL. And as such workman you prefer the present situation of affairs to the organization of all employees into one organization?

Mr. KERNAGHAN. If we had an organization of employees offered by strictly honest men, why, I am sure that I would be in favor of an organization of workmen, because I am one myself; but if they are not to be strictly honest, if they are not to represent the men whom they claim to represent—the men who pay them their salary; if we are to select the lesser of two evils, choose between those things that are to be of most advantage to us and otherwise, that is a different proposition.

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Commissioner O'CONNELL. In your standard of honesty, what do you refer to? How are we to judge?

Mr. KERNAGHAN. Well, in this country of ours we are guided by the majority. The majority has said that the cooperative plan is to be continued. In other words, it is preferable to the old organization. That has been brought about through dissension in their own organization. There is a whole lot of things that could be said on that that I would rather not bring out, Mr. O'Connell. It is not going to do somebody any good. I don't want to injure anybody.

Commissioner O'CONNELL. I am not here to enter into personalities of the proposition at all, but I would like to get your idea of the standard of honesty so far as an officer or an executive of the men is concerned.

Mr. KERNAGHAN. My interest is with the man who is compelled to work for his living. And I would like to have that man get a square deal. It does not matter to me who he gets it from as long as he gets it, and I would be inclined to support any proposition that would give that man a square deal. If the unions won't give us a square deal, for heaven's sake what are we going to do next?

Commissioner O'CONNELL. I don't quite catch your meaning, or you don't catch mine.

Mr. KERNAGHAN. Maybe it is a case of horse and horse; I don't know.

Commissioner O'CONNELL. That is all.

Commissioner LENNON. Let me see if I can get it.

Mr. KERNAGHAN. All right, Mr. Lennon.

Commissioner LENNON. Do you mean that, in view of the fact there has been cast by the men who are working on the street car system of Philadelphia, of the vote that has been cast that it becomes the duty of the officers of the union to cooperate with that vote and try to make that as effective for the benefit of the workmen as possible?

Mr. KERNAGHAN. Not the officers of the union. I don't mean to say that at all, because they are a distinct body and represent themselves. But you must understand, Mr. Lennon, as you surely do, that the men are not members of this union.

Commissioner LENNON. I understand that.

Mr. KERNAGHAN. They are working as individuals, you know.

Commissioner LENNON. Yes; I understand that.

Mr. KERNAGHAN. And they are voting as individuals.

Commissioner LENNON. Yes.

Mr. KERNAGHAN. And they have voted as a majority; I can't say anything against those figures. The figures speak for themselves, and I am safe in saying that they are correct.

Commissioner LENNON. That is all. I don't care to ask anything further.

Mr. KERNAGHAN. Maybe I don't make myself clear. You are privileged to ask any question.

Commissioner LENNON. I can not quite catch what you mean by saying that the officers do not properly represent the majority, or not being honest with the union. I had an idea that what you meant was that the individuals working on the railroad here, having voted to accept this plan—

Mr. KERNAGHAN. Yes, sir.

Commissioner LENNON. Then in your view it became the duty of the officers to cooperate with the individual members in working the plan out to the best possible fruition for the members?

Mr. KERNAGHAN. Officers of the union?

Commissioner LENNON. Yes.

Mr. KERNAGHAN. No. I don't see that the union officers should interest themselves in that. They are interested in their own organization, or should be. See?

Commissioner LENNON. Yes.

Mr. KERNAGHAN. I am speaking for myself. If I am to be guided by the majority, you have the figures. You know I am not an officer of the union.

Commissioner LENNON. I understand.

Acting Chairman WEINSTOCK. Mr. Kernaghan, as I understand the aims and objects of organized labor, among other things, are these:

First, to protect the workers against unfair employers?

Mr. KERNAGHAN. Yes, sir.

Acting Chairman WEINSTOCK. Secondly, to secure for the workers the highest wage, the best working conditions, and the shortest hours?

Mr. KERNAGHAN. Yes, sir.

Acting Chairman WEINSTOCK. Now, from your experience in operating under both conditions, operating under the conditions that prevailed before the cooperative idea was introduced, and operating under the cooperative plan, do you believe that the objects of unionism are being better attained now than they were under the old conditions? That is, that the men have secured higher wages, shorter hours, better working conditions than they had before?

Mr. KERNAGHAN. The working conditions generally and the wages are better. I can not say that the hours are shorter. Mr. Lennon, I think, has reason to believe that I am obligated to support an hour day, eight hours' work and eight hours' recreation, and eight hours—

Acting Chairman WEINSTOCK. Rest?

Mr. KERNAGHAN. But there are times when you can not do that. It is necessary to do—as I explained before, for economic reasons, we must have those swing runs in order to get the most money out of the 22 per cent fund. Do you see?

Acting Chairman WEINSTOCK. Yes.

Mr. KERNAGHAN. That is a condition that prevails, and the men seem to be—well, their vote tells the story. I can not dispute that.

Acting Chairman WEINSTOCK. Is the management of the company regarded as being fair to the men?

Mr. KERNAGHAN. Do you really want me to answer that question?

Acting Chairman WEINSTOCK. Yes.

Mr. KERNAGHAN. I am sorry you asked me that. I expected that somebody would ask me that question. So, after I had received my subpoena from this commission, I went around and jumped on the cars in a haphazard way, and I asked the men, no matter who they were, this question: "Now, boys, you have worked under the union and under the cooperative plan. If you were compelled to choose between William D. Mahon, president of the Amalgamated Association, and the Amalgamated Association, and Thomas E. Mitten and the Stotesbury cooperative plan, which would you choose?"

I asked 107 men that question. One hundred and two of them selected Mitten and the other five the other side.

Commissioner O'CONNELL. Did they all know who you were?

Mr. KERNAGHAN. Some of them did; most of them did.

Commissioner O'CONNELL. Those that did not, might they be suspicious that you were there in the interest of the company?

Mr. KERNAGHAN. That might be. But I want to say to the committee, without intending to hurt anybody, that if the Amalgamated Association of Street and Electric Railway Employees had been as anxious as I was for an organization here, and had treated their men as they should have, instead of suspending them from the organization at a time when an organization was most needed, when they had a chance to accept or reject this cooperative plan, and really went out and worked for it to get a vote in order to make a contract under the cooperative conditions, it might have been a different story to tell. I think that you will agree with me the figures show it. If there is anything that has happened through the operation of the cooperative plan that has been detrimental to the Amalgamated Association, it is the fault of the officials of that organization. You know that as well as I do. I need not tell you that.

Acting Chairman WEINSTOCK. The statement was made yesterday by one of the witnesses, Mr. KIRrane—

Mr. KERNAGHAN. Yes, sir.

Acting Chairman WEINSTOCK. That, to the best of his knowledge and belief, there had been about 300 complaints, or 300 objections, entered on the part of the men to this cooperative idea.

Mr. KERNAGHAN. Yes, sir.

Acting Chairman WEINSTOCK. I judge from the statement that you have just now made that 102 out of 107 who preferred the cooperative plan that you probably did not strike many of the alleged 300.

Mr. KERNAGHAN. Well, I am sorry you asked me that question, too. When Mr. KIRrane used the figures of 300 he used the figures that represent his organization at the present time, about 5 per cent of the whole. He said yesterday that when the suspension took place, or prior to this cooperative—he did not mention suspension—but prior to the cooperative plan coming here they had 3,800 men in their union. Let us figure it up. Three thousand eight hundred men in their organization. Then the suspension took place. Now, he says his present membership is 1,628. What happened to the 2,172? Does the Amalgamated Association of Street and Electric Railway Employees refuse

to accept them as members, or are they out of the organization because of the cooperative plan? That is for the committee to determine. The facts are there.

What is the use of crying over spilled milk? They spilled the milk. And if there is anything that comes out of this that is detrimental to the organization, they want to put the crêpe on themselves. That is all there is to it.

I am sorry that you have asked me this question. I am sorry that I was compelled to bring out that testimony.

Commissioner LENNON. We are not. We want to know all there is to be known about the matter. We are not a commission to take care of anybody.

Mr. KERNAGHAN. I understand you are absolutely fair. I have reason to believe that. I know that, but figures and the conditions speak for themselves. Acting Chairman WEINSTOCK. That is all. Thank you very much.

Mr. WINSLOW. Mr. Chairman—

Acting Chairman WEINSTOCK. What is your name, please?

Mr. WINSLOW. W. J. Winslow.

Acting Chairman WEINSTOCK. Are you on the program?

Mr. WINSLOW. No, sir; I am a free lance. I don't belong to any organization; I am a common workman. I would like to give you some information from the unorganized men's point of view.

Acting Chairman WEINSTOCK. Will you take it up with the managing director here, and he will deal with you in the case.

Mr. BUSIEK. I will call Mr. Pratt.

TESTIMONY OF MR. C. O. PRATT.

Mr. BUSIEK. Mr. Pratt, as a leader of a great number of men on strike in 1910, and also, as we understand it, as a representative of a large number of street railway employees of Philadelphia still, we want you to give us, as briefly as possible, consistent with getting at the facts, your views of the cooperative agreement, how it was brought into being, and the results that have been accomplished?

Acting Chairman WEINSTOCK. What is the gentleman's name?

Mr. BUSIEK. First, give your name, please?

Mr. PRATT. C. O. Pratt.

Mr. BUSIEK. What is your present occupation?

Mr. PRATT. At the present time I am not engaged in any occupation, as neither the employees nor organized labor will handle me.

Mr. Chairman and members of the commission, I am very sorry I have not got any little library to contribute to you this morning, but I believe that, in discussing this cooperative plan, Mr. Mitten has provided me with sufficient argument in his own bulletin so that I can, for the most part, use his own words, I believe, to substantiate the position I will take in regard to the conditions here.

First, I would like to say to the commission that I have here 3,265 signatures of the carmen who authorized me to represent them since the suspension. I do not want anyone to take my statement. I bring the records here.

Mr. BUSIEK. Mr. Pratt, you represent this number of employees. What do they call themselves and who are they?

Mr. PRATT. They were members of the Amalgamated Association, and on December 23, 1911, were suspended for alleged insubordination. They immediately, on December 26, called a meeting and formed themselves into a protective organization until their rights could be recognized and they could be restored to membership in the Amalgamated.

Mr. BUSIEK. It was those men, and those who are still with the Amalgamated, who conducted the strike of 1910, out of which this cooperative agreement grew? Am I right in that?

Mr. PRATT. Yes, sir.

Mr. BUSIEK. You were one of the committee that negotiated with Mr. Mitten during that strike?

Mr. PRATT. Mr. Mitten was not here during the strike.

Mr. BUSIEK. That is true.

Mr. PRATT. Yes, sir.

Mr. BUSIEK. With the officers of the Philadelphia Rapid Transit?

Mr. PRATT. No, sir. The officers of the Philadelphia Rapid Transit Co. were not meeting with the International representatives at that time, and, I would like to say—

COOPERATIVE PLAN OF THE PHILADELPHIA RAPID TRANSIT CO. 2781

Commissioner O'CONNELL. But you were officially representing the men at that time?

Mr. PRATT. I was chairman of the international executive board of the Amalgamated during both the 1910 and 1911 strikes in this city.

Mr. BUSIEK. Was this peace agreement a subject of discussion at those meetings, the cooperative agreement?

Mr. PRATT. At the meetings held by us after the suspension or prior to the suspension?

Mr. BUSIEK. Prior to the suspension?

Mr. PRATT. In June, of 1911, the first conference I believe was held with Mr. Mitten, at which were the president, international officers. Mr. Mitten stated in that conference that he had been very much occupied, had not had time to formulate his plans for formulating an agreement. He was willing, however, to take up the matter of negotiating an agreement with the Amalgamated Association, and, after outlining what he had in mind, he asked the international officers, myself at that time included, to formulate our plans to coincide as nearly as possible with his; that he was going away for a much needed rest for at least four weeks. Upon his return he would again meet our committee and see how near we were together from the union standpoint and from the company standpoint.

Mr. BUSIEK. Let us get down to the negotiations.

Mr. PRATT. That is what I am coming to. We never had them at that time. Mr. Mitten then, instead of meeting the committee, as had been agreed, issued his cooperative bulletin of 1911, setting forth his plan. The union was not in any manner considered in that cooperative bulletin. It was purely Mr. Mitten's plan as he had discussed it with us without again coming into conference to get the union side of the proposition.

Mr. BUSIEK. Is that the present plan?

Mr. PRATT. As outlined in the bulletin of 1911; yes, sir; practically.

Mr. BUSIEK. You say Mr. Mitten then handed that to you to take or leave?

Mr. PRATT. He sent that to the carmen and to the international representatives and published it in the newspapers and said that that was the plan which he would like to carry out.

Mr. BUSIEK. Then, I understand, a vote was taken on that?

Mr. PRATT. Then he agreed to submit the proposition to a vote of the men as to whether it should be made with an organization or be carried out with the men individually. He stated in his bulletin that he would make the agreement with either of the two organizations then in existence that carried approximately a two-thirds vote. Conferences were then held with Mr. Mitten. After the convention in September, 1911, I was defeated at that convention, was no longer a national officer, but had been elected a local officer by unanimous vote, and served at that time on the local committee in conjunction with the international officers.

Mr. Mitten finally entered into arrangements with the union to submit to a vote on November 1 at Horticultural Hall. He had agreed with our committee that if it was near the two-thirds vote he would make the agreement; that he could not do otherwise, but he would like to have us get as near the two-thirds vote as possible. On November 1 a vote was taken which resulted in 4,276 votes in favor of the agreement being made with the Amalgamated. I wish to state, however, that in the conference with Mr. Mitten I had taken exceptions to some of the plans in his bulletin; told him that after the vote was taken, before the agreement was signed, that I should like to suggest some changes that would give the union some recognition in the agreement, and while in his bulletin he stated the vote would determine whether that plan was put in operation or not, still in the conferences it had been specifically stated that we desired to make some changes for the benefit of the men.

Mr. Mitten met our committee the evening before the vote was taken. He said he would meet us again on November 8; he was going to Chicago and upon his return would meet the committee and take up the question of the vote, and negotiations. Upon his return from Chicago, on November 8, when the committee called upon him for a conference, or called him on the phone, he said that he was not in a position to meet the committee, and declined to meet them, and has never met the committee of the local since that date, although the conference was previously arranged.

In one of the bulletins, I believe, it states that we lack 353 votes of having an actual two-thirds vote. I believe a portion of those 353 men were sick, or away from employment, and were not here to vote. My recollection is that

the actual shortage of the two-thirds voting is about 138. I may not be absolutely correct, but that is my impression.

However, he had expressed a willingness to negotiate the agreement, even if it was that close. Why, those negotiations terminated with the local organization under those conditions, I am not able to say at this time.

Mr. Mitten states in one of the bulletins that there was dissension arose in the Amalgamated Association before this agreement could be put into effect. That is hardly true, because the Amalgamated did not suspend its local organization until December 23, ample time to have made the agreement protecting 7 000 men. Even if there was dissension, I do not agree with Mr. Mitten that he had any right to interfere in the family affairs of an organization, so long as his men were organized and were willing to carry out the vote of November 1.

After the suspension we met on December 26, as I have stated, and we were instructed to communicate with Mr. Mitten, informing him that we would carry out the vote of November 1, regardless of the family difference that existed in our organization. That could be taken care of later. Mr. Mitten declined to receive the committee or negotiate the agreement with the employees that were then organized here and had taken that vote. Probably the excuse may be offered that he desired an organization that had a parent body, but that argument would not hold good for the reason that he offered to make an agreement with the Keystone Union, which has no parent organization, unless it be the company itself.

Mr. BUSIEK. Mr. Pratt, to get down to essentials now, what was there that the men wanted that they did not get under this agreement?

Mr. PRATT. Well, there are several things objectionable in the agreement. I don't know that possibly all of the men may agree with some of the statements I may make. I think the major portion of them will, from the discussion in the meetings. There is an objectionable feature in the graduating scale, which I am very much opposed to; and we are opposed to the swing runs. They should be reduced to the minimum. I don't believe in the company putting a five-hour hole in the run to inconvenience the men to lose that much time during the day for the sake of saving five minutes in operating a car for the company's profit.

Mr. BUSIEK. Have you any data or comparative data with the other cities to show how the swing runs here compare with other cities of like size or character?

Mr. PRATT. Well, I haven't any data with me, but I presume to say this: That a great many of the companies have forced that swing-run system, and I can't say that the present runs are materially worse than they are in some cities, although in some cities, quite a number, we have a straight nine-hour workday. I believe possibly there were 60 cities that we had the straight nine-hour workday under the Amalgamated agreement.

Mr. BUSIEK. Is that what the union wanted, straight work for all men?

Mr. PRATT. That is what we struck for in 1909, and it was one of the things, one of the demands, which was conceded. I can not say that I agree with the 22 per cent proposition, for instance. The fact that the company, the amount of wages paid to the men, amounts to 22 per cent of the gross passenger earnings, and by the way, there was another point we asked for, the gross earnings of the company, not the gross passenger earnings. The company have a difference in their cars. They have mail cars and ask cars and freight cars, and we asked for the gross earnings to be 20 per cent. The bulletin calls for gross passenger earnings.

Mr. BUSIEK. Was there anything else besides that? Now, cutting out the swing runs, fixing the 22 per cent at the gross earnings, instead of gross passenger earnings.

Mr. PRATT. Well, the 22 per cent had not been analyzed by the men. I can only speak from my own personal standpoint, from the investigation and my own thoughts along that line, because I think the men had never had an opportunity to analyze it in any manner.

Mr. BUSIEK. Well, how do the men at large feel? Do you think that the vote was representative of their feelings?

Mr. PRATT. The vote was representative of their feelings to negotiate the agreement and have it made with the organization. There is no question about that.

Mr. BUSIEK. Well, didn't the men when they voted understand that they were voting for the agreement as outlined in that bulletin by Mr. Mitten?

Mr. PRATT. I don't think they did on the first vote, for this reason: I stated to Mr. Mitten in conference—he wanted us to adopt that bulletin with a vote, and I said, “You are putting two motions in one. First, we have not got the consent of two-thirds of the men to represent them as the Amalgamated Association. We must first get their consent as Amalgamated or union representatives before we can pass upon that bulletin.”

So Mr. Mitten agreed to that, and my understanding of that first vote, as it was taken, was to see whether the Amalgamated should act to negotiate that agreement under the proposed Mitten plan.

Commissioner O'CONNELL. You know something about this beneficial organization, Mr. Pratt?

Mr. PRATT. Yes, sir.

Commissioner O'CONNELL. Mr. Mitten stated yesterday that it was not compulsory on the men to join the beneficial organization.

Mr. PRATT. Yes.

Commissioner O'CONNELL. Do you agree with that statement?

Mr. PRATT. Well, I know of men who have very recently informed me they have been told by the superintendents that they were about the only ones not affiliated, and advised them to join. In a way, that meant that their positions would be more secure if they did belong.

Commissioner O'CONNELL. Do you know whether the matter of influence is used in the question of reinstatement of employees? Mr. Mitten stated yesterday it was not.

Mr. PRATT. I know men on the system that came to me and wanted me to keep it confidential, because they did not want to involve their position, to the effect they had gotten back through the Keystone members working for the company, that they could not get back otherwise.

Commissioner O'CONNELL. Mr. Mitten stated that the employees were taken into conference in the matter of the arrangement of schedules.

Mr. PRATT. In explanation of that I can only refer to the method and one of the cooperative committees. When the company agreed to put the cooperative plan in operation, they first agreed that two—that is, after they made the original appointment, until they held an election, at that election they agreed there should be two representatives, a motorman and conductor from each depot. That election, we will say that our union was then suspended. We endeavored to elect union men on these committees, feeling that our interests would be a little bit better protected than if we had the strike breakers in there trying to represent us. We took the plan of endeavoring to elect union men. We succeeded so admirably, that at the first election, the 38 men, first and second choice, were practically predominated by union men. After about the first conference of two, Mr. Mitten says: “You will find it on page 21 of Bulletin No. 3.” “The committee of 38 members composed of a motorman and conductor from each depot will accordingly be reduced to 19 in number, being one from each of the depots.” The men have no voice in reducing them back to 19. Well, it was discovered that even with the 19, there was pretty strong union men on the committee, and it was not very long until there was another election held. The company agreed, I believe, if I am correct, that two men should again be selected from each depot, the man getting the highest vote and the man getting the lowest vote, leaving a minority representation.

Again, the union men, I believe, predominated quite largely, especially on the minority vote, and, if my impression serves me right, Mr. Mitten then decided it would be the man getting the highest and the next highest vote that should serve. Then, in their bulletins, where he has taken up with the cooperative men, one especially that I would like to mention—by the way, the round robin was not mentioned, but it is here in the bulletin. I think it would be a good idea to ask about the round robin, on page 12 of Bulletin 6: “I want all of you committeemen to thoroughly digest what I have said, and I want you to get out and spread it. This is not a cooperative committee meeting, but a lecture, and I am doing all the talking, because I want everybody to understand—

Commissioner O'CONNELL (interrupting). Who prints that?

Mr. PRATT. Mr. Mitten, the director of the Statesbury management.

And further down he says: “I don't mean by this that I am going to fire men wholesale to-morrow morning, but the talk I am making now is for the purpose of avoiding the dismissal of otherwise good street car men who have been led astray.” He does not say in what manner they were led astray except through a bulletin which was posted about this time in the depot, signed by the

officials of the company, effective on June 26, 1912, which incorporates the following:

"The cooperative plan with the 22 per cent fund has therefore already proven of greater effect in producing increased wages than did the strike of 1910. Notwithstanding this fact, however, certain of the motormen and conductors, being misled by Mr. C. O. Pratt, are persistently misleading and harassing their fellow motormen and conductors and combining to destroy the effect of cooperative effect."

So I judged the bulletin meant to correspond with that posted in the depot.

I will leave this bulletin effective June 26 with you.

(Marked "Pratt Exhibit No. 1," dated June 24, 1914.)

Pratt Exhibit No. 1, circular entitled "Philadelphia Rapid Transit Co. Divisional Order No. 13," effective June 26, 1913, was submitted in printed form.)

Commissioner O'CONNELL. In the matter that you bring to my attention, how is this committee selected that discussed the 22 per cent?

Mr. PRATT. Well, they are selected by the cooperative committee. I understand, but as to their method and manner of audit I am not informed, because I know that it would require a great deal of time—I know they don't serve very long, and they could hardly investigate the books of the company in so short a period.

Commissioner O'CONNELL. Do you know why the men voted to continue the cooperative plan rather than the organization plan? Have you any idea what influence was at work that brought about that result?

Mr. PRATT. The men, for the most part, that I represent have expressed themselves as voting that way because they had no organization to affiliate with honorably that would protect them. They were suspended, and their grievances have never been investigated or been taken up by the international organization.

Commissioner O'CONNELL. Have men been discharged for activity in the union?

Mr. PRATT. I have a list of 20 men here, their names, their age of service for the company, and those 20 men were discharged for trouble making, some of them being in the service 18 years and 15 years, and nothing against their service record. I will give you this list if you desire.

Commissioner O'CONNELL. Will you file that book that you have there?

Mr. PRATT. Yes; but I wish to refer to it a little further on. I want to read the round robin a little further down.

Commissioner O'CONNELL. There is a bulletin issued—

Mr. PRATT (interrupting). This is the bulletin.

(The list of men here presented by the witness was marked "Exhibit 2, Witness Pratt, June 24, 1914," and the bulletin presented by the witness was marked "Exhibit 3, Witness Pratt, June 24, 1914.")

For Pratt Exhibit No. 2, see, under "Exhibits," Pratt Exhibit No. 3, entitled "Cooperative Bulletin No. 6," issued by the Stotesbury Management, July 17, 1912, was submitted in printed form.)

Commissioner O'CONNELL. Who pays for that?

Mr. PRATT. I am not sure whether it comes out of the 22 per cent fund or not, but if it does not the company pays for it. It seems to me that that is money that could well be paid toward wages instead of putting out 50,000 of these every month or twice a month.

Commissioner O'CONNELL. Well, now, Mr. Pratt, you have had an experience in Philadelphia with street-car affairs for several years and were looked upon here and recognized by street-car men for several years as a whole as their representative, and you are a national officer of the Amalgamated Association of Street Car Men and have been in Philadelphia practically permanently for several years, and have had close observation of the street cars and dealt with the affairs when it was operated under the Amalgamated Association, and also now that it is under the cooperative plan.

In your opinion, can the men's interest be best taken care of under the present cooperative plan or under the plan as originally intended and as they intended that it should be part of the national organization of street-car men, now the Amalgamated Association?

Mr. PRATT. In the first place, I don't know of any cooperative plan. I don't know of any instance of cooperation; it is at dictation.

Commissioner O'CONNELL. Well, it is conceded that there is a plan in operation, and they have called it cooperation. I am not saying whether it is or

it is not, but am just using that as a name for the present plan in effect by the street-car company of Philadelphia, whatever you want to call it?

MR. PRATT. Why, there isn't any question of doubt but what organized effort is much more beneficial to the men than where they are acting as individuals, as these bulletins frequently state they must act as individuals. The committees never meet together to hold a conference among themselves, let alone meeting with the men to discuss these things. The committee never meets only when it is called into the company's office and the plans are laid before them.

Commissioner O'CONNELL. Now, Mr. Mitten made a statement yesterday that there was greater cooperation now than ever before in the history of the company in Philadelphia, and that was laid largely to the fact that this system was in operation. Now, as I understand it, there are divisions of the men into three or four kinds of organizations. There must be some division of opinion that caused that separation among the men. Wouldn't it be possible to have greater cooperation, greater unity of action, greater unity of purpose among the men if they were all in one organization and could be dealt with only as one organization?

MR. PRATT. It would be to discredit their intelligence to say that they could not work more effectively as an organization than as individuals. Certainly they could.

Commissioner O'CONNELL. That greater success would come than with the present system?

MR. PRATT. Not only to the employees, but to the company as well.

Commissioner O'CONNELL. That is all.

MR. PRATT. I would like to refer to this round-robin proposition. I think it might throw a little light on this matter. One of the strike breakers went around to the homes of these union committeemen who had been elected and asked them to sign this paper. Mr. Mitten states in his lecture:

"That is all that I have to say to you to-day. I do not ask for anything but cooperation. I want to again thank those men who signed the round robin expressing loyalty. I was more than pleased to see that so many of these signers were men who served on the other committee, as they should know the manner of man that I am, and what I am trying to do."

And then, on the opposite page, he says:

"I do not mean by this that I am going to commence firing men wholesale to-morrow morning. But the talk I am making now is for the purpose of avoiding the dismissal of otherwise good street car men who have been led astray."

The men had been practically compelled to sign a statement, that had served on the cooperative committee—the union men were. The methods used to get signatures was: They took the paper to the different homes and told them that the other men had all signed, and they were the only ones that had not, and in that way induced some of the union men to sign. This is hardly cooperation.

Acting Chairman WEINSTOCK. How long had the men been members of labor organizations before the strike of 1910 took place?

MR. PRATT. Well, there had been some work here at forming an organization, I think, in 1907-8; but there was no substantial organization until the strike of 1909, and that strike lasted six days, and they had a 6,000 membership following that, which carried it through until the 1910 lockout.

Acting Chairman WEINSTOCK. So they were pretty thoroughly organized for at least one year preceding the last trouble?

MR. PRATT. Yes, sir.

Acting Chairman WEINSTOCK. What wages were the men earning at that time?

MR. PRATT. The men prior to the 1909 strike received 21 cents an hour flat, and the company in settlement agreed to advance to 22 cents immediately, and to take up an investigation of its finances and to grant 25 cents an hour if an audit showed they were able to do so.

Acting Chairman WEINSTOCK. But what were they actually receiving at that time?

MR. PRATT. Twenty-one cents when they struck in 1909.

Acting Chairman WEINSTOCK. And in 1910?

MR. PRATT. In 1910 they had been advanced to the 22 cents an hour.

Acting Chairman WEINSTOCK. Getting 22 cents an hour?

MR. PRATT. Yes, sir.

Acting Chairman WEINSTOCK. That was the maximum?

MR. PRATT. Yes, sir.

Acting Chairman WEINSTOCK. What is the maximum now?

Mr. PRATT. Thirty cents an hour.

Acting Chairman WEINSTOCK. That is an increase of 8 cents an hour?

Mr. PRATT. Yes.

Acting Chairman WEINSTOCK. That would be 35 per cent increase, wouldn't it?

Mr. PRATT. Approximately, I think.

Acting Chairman WEINSTOCK. Well, then, it is not disputed that under the new conditions their wages have been very materially increased?

Mr. PRATT. But the organization brought about that, and the conferences that resulted in the proposition of an agreement to have an audit, and it was agreed to and voted upon November 1, 1911. That was forced through the organization.

Acting Chairman WEINSTOCK. That the wages were to be increased to 30 cents?

Mr. PRATT. By putting into the 22 per cent fund. They did not know exactly the amount the 22 per cent fund might show, but that was the agreement as the basis of wages forced by the organization in settlement in these conferences.

Acting Chairman WEINSTOCK. Why is it that the 22 per cent fund to-day yields so much better wages to the men than it did under the old conditions?

Mr. PRATT. I don't know that it does. I don't know that we were getting 22 per cent under the old conditions. I don't know what proportion of the company's gross past earnings were paid to us.

Acting Chairman WEINSTOCK. Well, I understood from Mr. Mitten's testimony, the manager's testimony, yesterday, that he took the wage rate of the past and made it the basis for the future; that that 22 per cent represented the actual amount of the gross receipts that had been paid out in the form of wages.

Mr. PRATT. Yes, sir.

Acting Chairman WEINSTOCK. And that that became the basic figure. Now, why is it that under the 22 per cent plan it makes 30 cents an hour maximum possible, and it only made about 22 or 23 cents an hour possible under the old condition? How do you account for that?

Mr. PRATT. One reason is that because in 1911—or 1910; no; 1911—there were 7,113 motormen and conductors; according to the statement here yesterday, there are now approximately 6,400, making a difference of 725; and if I understand Mr. Mitten correctly, he says we are running more cars, bigger cars, the cars are carrying probably a third to a half more than the old cars, which has increased the responsibility and earning power of the men.

For instance, there are 725 less men performing more work than formerly. Now, whether they are getting an advance in wages proportionate with their increased earning power, I don't know. They have increased responsibility; they are carrying greater loads; and how 6,400 men can operate more cars than 7,113 men I don't understand exactly, but I think that was Mr. Mitten's statement, because I wrote it down at the time.

Acting Chairman WEINSTOCK. Let me ask, Mr. Pratt, which of the two conditions would you regard as the lesser evil, that 9 men shall be able to earn a living wage, or that 10 men shall be able to earn only a partial living wage?

Mr. PRATT. The workingman has always taken the position that where there were slack times, he would prefer to share his hours with the men who would otherwise be laid off, rather than to see him become absolutely without means of livelihood, to the benefit of the men who might remain employed. In other words, I think if 10 men are in a position to work on a job that it is better for them to do it than it is for 9 men to try to do it. I think there is work enough for all, if it is equitably distributed.

Acting Chairman WEINSTOCK. Well, organized labor believes in establishing a minimum wage, does it not?

Mr. PRATT. I believe, as far as women are concerned, especially so; but I am quite sure that I read a statement of Mr. Gompers not long ago in which he said it was problematical whether it was advisable to adopt a minimum-wage scale for men.

Acting Chairman WEINSTOCK. I am not speaking about the legal minimum wage, but about the union minimum wage. Unions establish minimum wages, do they not?

Mr. PRATT. Yes, sir.

Acting Chairman WEINSTOCK. I therefore take it that they believe in a minimum wage.

Mr. PRATT. I thought you meant Government regulation.

Acting Chairman WEINSTOCK. Now, any man that works for less than the minimum wage would be regarded as a scab, would he not?

Mr. PRATT. Well, if there was an organization, and the men were honestly striving to get a better wage, and he would not assist, he would be; but if there was no organization and the men were helpless, I don't know that he would be in the light of a scab.

Acting Chairman WEINSTOCK. That is not an answer to my question. I say that any man who belonged to the union and who works below the minimum wages established by that union would be looked on in the light of a scab?

Mr. PRATT. Yes; if he belonged to the union.

Acting Chairman WEINSTOCK. If the revenues or the fund applicable to the payment of labor could pay only 9 men living wage, and there were 10 men who wanted that work, and from necessity those 10 men were getting below that minimum wage, would they all become scabs?

Mr. PRATT. No, sir; because they have the right to pass the laws to establish their conditions, and if they establish the minimum wage they could change it by a majority vote, if they agreed upon it between themselves.

Acting Chairman WEINSTOCK. You think then if that condition should arise where the wage fund—the amount that could possibly be paid out in the form of wages was not enough to pay the 10 men the standard minimum wage established by the union, that the union would then voluntarily reduce that minimum wage so that the 10 men could get employment?

Mr. PRATT. They have many times preferred to do that rather than to see their fellow man lose his position entirely.

Acting Chairman WEINSTOCK. Can you cite any specific case where, in order to afford employment to more men, the union voluntarily reduced its standard minimum wage?

Mr. PRATT. If I am not mistaken—I haven't any records at hand—if I am not mistaken the carmen in San Francisco did so after the great fire.

Acting Chairman WEINSTOCK. So there you are misinformed. It was just the contrary. They demanded far higher wages after the fire than before.

Mr. PRATT. Yes; but they divided the hour or something so as to keep the men employed. I think they arranged an eight-hour day or something of that kind so as to keep the men at work.

Acting Chairman WEINSTOCK. Well, did you know that shortly after the fire in San Francisco we had a great railroad strike because the men wanted higher wages and the company was unwilling to pay them?

Mr. PRATT. I understand so. And I think that after the fire that was the way they tried to divide up the hours so that all could continue working for the company.

Acting Chairman WEINSTOCK. The facts, then, as they come to this commission at this time, and as I see it, are these: That the men were strongly organized—according to your statement at least for one year before the last trouble arose.

Mr. PRATT. Yes, sir.

Acting Chairman WEINSTOCK. And that the best they could do collectively was 22 or 23 cents an hour, and that since that time under the cooperative plan their wages have increased until there is a maximum of 30 cents an hour, which would be an increase of somewhere between 30 and 35 per cent. Is it disputed that the work conditions to-day are better than they were under the old conditions?

Mr. PRATT. The working conditions so far as the car itself is concerned, they are better. The cars are better cars and that makes the conditions so far more agreeable in the matter of operating; and so far as the hours are concerned and the speeded-up schedules and the lack of committees with whom they can take up their grievances, they are not as agreeable as formerly, but I would like to correct a point on that wage proposition. The men, you said, with an organization of 6,000 men, did not improve above 22 cents. I want to say this that the men had just organized during that strike and negotiated an agreement for one year, and they have not had the opportunity—the company had agreed to raise them to 25 cents, and before we could accomplish the investigation of the audit, the company began to discharge our men and forced that lockout. Our contract would not expire until in June, and this was February. This contract went into effect for one year. I think we were demanding 28 cents an hour everywhere before this plan came, and as soon as the company broke through the agreement of 1900 before it expired, that gave us the opportunity to renew our negotiations.

Acting Chairman WEINSTOCK. You expressed the opinion that the men lead a more strenuous life on the cars now than they did under the old conditions? Mr. PRATT. Much more strenuous; yes, sir.

Acting Chairman WEINSTOCK. That comes to me in the nature of a surprise, because in riding on the cars and in chatting with the conductors they have told me that they lead a less strenuous life because of the pay-as-you-enter system, which has taken great burdens off of their shoulders. They explained that under the old conditions they had to squeeze through crowds when the cars were crowded, and that it was very exhausting work; but now all that burden is removed, and that the work is much pleasanter and much more convenient and much less strenuous than it had been in the past.

Mr. PRATT. I was speaking of the speeding, more particularly of the motor-man. I had in my mind the fact that he has to operate those doors and keep the car on schedule time and to make running time. I agree that the responsibility is less on the conductor probably under the present system; but it has increased proportionately the responsibility of the motorman.

Acting Chairman WEINSTOCK. Do you know of any conditions established by the company to-day that would prevent the men right now from organizing and entering into one great union, if they so desired?

Mr. PRATT. Well, I don't know that I can answer that in a satisfactory manner. I believe thus, that what Mr. Mitten said in his bulletin, that if he had negotiated the agreement with the Amalgamated Association he would positively have kept that agreement; I think he positively would. And I think we could have cooperated together in a very satisfactory manner. However, he took advantage of a condition that came about later. As to whether the efforts of the company at the present time are to intimidate the men and prevent them from organizing or not, I could not say specifically. I know they are not permitted the liberties; the men who talk organization are warned—unless it be the Keystone men. They have been allowed privileges that the union men have not been allowed around the depots and in talking and conversing with the men about organization affairs. There is not certainly any encouragement to the men from the company's standpoint to form an organization. I think Mr. Mitten is pleased from his standpoint and from the company's standpoint with his plan of cooperation. There is no reason why he should not be. It provides two sets of superintendents, one set the men themselves who go out and discipline their fellow men without extra pay, excepting the day off.

Acting Chairman WEINSTOCK. That is all, Mr. Pratt. Thank you very much.

Mr. KERNAGHAN. May I ask a question of Mr. O'Connell. I said I was sorry twice before. For the third time I am sorry. You asked me a question and I answered that to the best of my ability. I said I had questioned some of the men on the car, and you asked me this question: "Did the men know you or did they not?" And I said most of them did; some of them did not. Now, some of the audience seemed to think that there was an intimation on your part that I was out as a special agent; that I was out as a spotter, or some other kind of a sucker, to discredit the men—

Commissioner O'CONNELL (interrupting). Well, doesn't it strike you as it would strike anybody that if you came up to me in a car and asked me a question of that kind that in the first place, naturally, unless I knew who you were, I would answer just as they answered you? A man that would not do that ought not to be on a street car.

Mr. KERNAGHAN. I explained to you that the reason I asked that question of those men was because I wanted to get their sentiments; and I was sorry, as I was sorry that the question was asked; I didn't want to leave any false impression—

Commissioner O'CONNELL. I had no idea as to you personally; but my idea was as to just how the men would answer under the circumstances.

Mr. KERNAGHAN. All right. Thank you.

TESTIMONY OF MR. MICHAEL S. HUGHES.

Mr. BUSIEK. Give us your name.

Mr. HUGHES. Michael S. Hughes.

Mr. BUSIEK. You are employed by whom?

Mr. HUGHES. The Philadelphia Rapid Transit Co.

Mr. BUSIEK. How long have you worked for the Philadelphia Rapid Transit Co.?

Mr. HUGHES. I have worked for the Philadelphia Rapid Transit Co. for 14 years.

Mr. BUSIEK. Were you through the strikes of 1909 and 1910?

Mr. HUGHES. Yes; I started in 1895.

Mr. BUSIEK. And did you go out on the strikes in 1909 and 1910?

Mr. HUGHES. Yes, sir.

Mr. BUSIEK. Were you a member of any labor organization at that time?

Mr. HUGHES. No, sir.

Mr. BUSIEK. Did you join the Keystone Union?

Mr. HUGHES. Never; no, sir.

Mr. BUSIEK. Have you been a member of the cooperative committee at any time?

Mr. HUGHES. Yes, sir. I am at the present time.

Mr. BUSIEK. How long have you been such a member?

Mr. HUGHES. This is my second term—going on two years.

Mr. BUSIEK. Going on two years. What powers has this cooperative committee to do anything that the company officials do not want done? Has it any power that is not subject to veto by the company?

Mr. HUGHES. Well, you understand the plan we are working under is cooperation. All matters pertaining to the management that in any way touch upon the condition of the employees are discussed in a cooperative manner.

Mr. BUSIEK. For instance, you get together with the officials of the company about rerouting, I believe, or arranging the runs. Is that true?

Mr. HUGHES. Not on the rerouting. That was the company's business.

Mr. BUSIEK. On the arranging of the runs?

Mr. HUGHES. On the arranging of the runs. We had something to do with that.

Mr. BUSIEK. Now, what is the modus operandi, Mr. Hughes? How do you go about it?

Mr. HUGHES. The arranging of the runs?

Mr. BUSIEK. Yes.

Mr. HUGHES. Do I understand you, the picking or choice of runs?

Mr. BUSIEK. No; the things that you have some power in determining, that you assist in determining—that the cooperative committee does?

Mr. HUGHES. I think I can best enlighten you by going back to my first —

Mr. BUSIEK. Well, let us drop that for a moment, then. How are the matters decided in the cooperative committee, by ballot or by rising vote?

Mr. HUGHES. Generally by rising vote; not by ballot.

Mr. BUSIEK. How often does the cooperative committee meet?

Mr. HUGHES. Well, they do not meet regularly. At times when there is anything important to be discussed we are called together.

Mr. BUSIEK. Who calls you together?

Mr. HUGHES. I suppose the call is sent out by Mr. Mitten, as Mr. Mitten is chairman of those meetings.

Mr. BUSIEK. How often have you met in the last year, approximately?

Mr. HUGHES. Well, probably half a dozen times.

Mr. BUSIEK. And what subjects do you take up at these meetings?

Mr. HUGHES. Anything pertaining to the working conditions.

Mr. BUSIEK. Well, give me off hand a number of the things that you take up.

Mr. HUGHES. Well, that is what I was going to start out with when you cornered me before. The first thing that I can refer to was the changing of discipline. Previous to our taking up that matter, a man missing his report anywhere from one minute to one hour, he was compelled to serve that day and the next as a penalty for missing.

Mr. BUSIEK. Without pay?

Mr. HUGHES. Without pay. We took that matter up with the management and they considered that the penalty was too severe.

Mr. BUSIEK. Who initiated that? The members of the cooperative committee?

Mr. HUGHES. Yes; some of the members of the cooperative committee, at the instance of probably some one who had been so suspended.

Mr. BUSIEK. And that matter was adjusted?

Mr. HUGHES. Yes, sir.

Mr. BUSIEK. What other matter—

Commissioner O'CONNELL. Just one moment there. You say that was changed. Does the present plan provide for the punishment of the man by a lesser amount—a half day for instance?

Mr. HUGHES. You understand that the men lost two days, no matter how good your record was, you were punished the same as the habitual offender; and we had that reduced, and the penalty at the present time is the day that he misses he serves on the extra list.

Commissioner O'CONNELL. Then he can be fined a day's pay then under the present system?

Mr. HUGHES. Yes, sir.

Mr. BUSIEK. How frequent an occurrence is that?

Mr. HUGHES. What—the missing.

Mr. BUSIEK. Yes.

Mr. HUGHES. Well, with some men it is a habit, with others it is very rare. Take myself, for instance, as an example—

Mr. BUSIEK. Well, take your barns for example. How many men miss a week?

Mr. HUGHES. I don't know that I could answer. It is not a great many; not a great many.

Mr. BUSIEK. Would it be as many as a dozen or more than a dozen.

Mr. HUGHES. I think a dozen would probably be a fair average.

Mr. BUSIEK. How many men in the barn?

Mr. HUGHES. At the present time we have in the neighborhood of 450 or 460.

Mr. BUSIEK. Does the cooperative committee audit the books of the company to see that the men get their 22 per cent?

Mr. HUGHES. They don't audit the books of the company. The city furnishes the auditors, if I understand correctly.

Mr. BUSIEK. The city furnishes the auditors?

Mr. HUGHES. The city furnishes the auditors. It is under the city auditor.

Mr. BUSIEK. Are the men at large satisfied with the audit or is there any feeling that the audit may not be correct?

Mr. HUGHES. We have this satisfaction. As employees there is a committee appointed to examine the work of those city auditors, which may sound strange. It sounded strange to me at first, and I remarked that as a motorman I was hardly competent to examine the work of an expert accountant.

Mr. BUSIEK. So you have your own auditor that examines the audit of the city?

Mr. HUGHES. There is a committee of five appointed to overlook that work.

Mr. BUSIEK. And what I was trying to get at is are the men at large satisfied with the audit?

Mr. HUGHES. Yes; they are satisfied.

Mr. BUSIEK. Do they feel that they have the city protection?

Mr. HUGHES. They are satisfied with the report of the committee of their fellow employees. I have this to state in reference to that—I have this satisfaction—not being anything of an accountant. I said to Mr. Tulley "It seems singular that we should be called to overlook the work of experts." But he said, "We want you to be satisfied. You have at your disposal all of the books, papers, and any documents that you may want. We have people here to get them for you—all that is necessary for you is to ask for them." "Well," I said to him, Mr. Tulley, before I go into this business there are two questions I would like to have settled." He says, "What are they?" I said, "The first one is this: You have taken the pay of this cooperative committee out of the 22 per cent fund. I don't think you had a right to do it. The four on the committee opposed it on the ground that the work was being done for the benefit of the company." He said, "It is being done for the benefit of the employees and they should be willing to pay their wages." I said, "No."

Mr. BUSIEK. What was the upshot of that?

Mr. HUGHES. The upshot was that we had the pay for this committee, the time they were in existence, returned to the 22 per cent fund; and from that day to this there is nothing taken out of that 22 per cent fund except in payment of the motormen and conductors.

Mr. BUSIEK. And also the death benefits paid by the company come out of that fund, don't they? That is, not under the new cooperative plan, but under the plan that was in existence before the cooperative plan took effect certain death benefits were paid out of that fund?

Mr. HUGHES. Well, previous to the cooperative plan I knew nothing about the 22 per cent or any other fund. It came out of the management's fund somewhere; I don't know.

Mr. BUSIEK. Well, the chief point I am trying to get at, do the men, as a whole, believe that faith is being kept with them, and that the fund is being honestly administered?

Mr. HUGHES. Yes, sir; to the best of my knowledge there is very little doubt on the part of any of the employees.

Mr. BUSIEK. How about the method of balloting? Is there any criticism of that, or is there, to your knowledge, any talk about the company keeping a check on how the men vote, or have the men any hesitancy in voting their real wishes and desires on account of fear of action by the company?

Mr. HUGHES. Yes; some of the men have hesitated about voting for that very reason. Some men, not through fear, but because they did not think the system was correct; and as we went along—it is not very old yet. We are continually watching for improving those things. And the thought occurred to some of our members—I don't know whether it was myself or some one else—that was a possible chance of defeating the wishes of the men in this manner; there are three on that committee; two act as tellers.

The man that reads those names off—it did occur to some of us that it was possible for him to have elected any man that he saw fit. The tellers haven't anything to do only to check and he could call off years—20 years when there might be only 1. So we thought we would double-check that.

Mr. BUSIEK. The point is this: Have you free rein to adopt such methods of voting as insure absolute secrecy?

Mr. HUGHES. Well, I was going to say I believe we have it as secret as it is possible to be made.

There was another thing that some objected to, and we took that up with the management, and that is, you were required to write your name, badge number, and the name of your choice.

Mr. BUSIEK. But that condition is no longer in existence?

Mr. HUGHES. That condition is no longer in existence. The double-checking is carried out, and I don't see that there could be anything more secret than the present form of ballot.

Mr. BUSIEK. What is your idea of the sentiment of the men at large toward the company? Do you think the last ballot fairly represents the sentiment?

Mr. HUGHES. Well, I would say yes.

Mr. BUSIEK. If a man is threatened with discharge—and has your cooperative committee any power to intervene in his behalf?

Mr. HUGHES. Yes, sir.

Mr. BUSIEK. In what way?

Mr. HUGHES. I think probably from illustrating a case that has occurred recently will probably explain better than I could in some other way.

Under the rerouting and changing they have transferred lines of cars on account of the lack of room in one place and room in another. They have changed lines—whole lines—from barn to barn. Before the line is changed the men are given the chance to say whether they want to go to that line or want to remain on the other. The case I have reference to was one of the men that, on the change of the line, left the barn that I am connected with. He got into trouble through drinking, and absented himself for probably two weeks without anyone knowing anything about him. Mr. Tulley himself went out of his way to find me. He said, "I think it is only fair to this man, as he was with you so long and at this other barn such a short time"—but he shook his head—"I am awfully afraid I shall have to discharge him. It worries me. He is a man with an 18-year record—good record—and here he falls down. What am I going to do with him?"

He standing in front of me, I figured out, Mr. Tulley will discharge that man without a doubt. He left me. I called up the committeeman at his barn—now, this is probably a long way, but it is about the only way I can explain—I called up the committeeman at his barn and I said to him, "I have just been interviewed by Mr. Tulley with reference to Desert." I said to him, "You find Desert and send him to Mr. Tulley; don't you go; I have been standing here studying Mr. Tulley. It is a toss-up. His mind is not fully made up, but I believe he is going to discharge him, and the only man that can save Desert in this case is Desert; and send Desert to Mr. Tulley and let him plead his own case."

Mr. BUSIEK. That is what I am trying to get at—the cooperative committee, except in an advisory way, could not save—

Mr. HUGHES (interrupting). I believe I favored that man. I have every reason to believe I did.

Mr. BUSIEK. Acting in an advisory capacity without the cooperative committee?

Mr. HUGHES. I was with Tulley on numerous occasions, and the last time he said this to me, he said: "I would restore him to work, only I am afraid the men will use that as an argument in the future—that I did not discharge this man." And in reply I said: "Mr. Tulley, that man has the good will of every man who knows him. And you haven't a man mean enough on your system to use that as an argument against him." He says, "I will put him to work."

We had a case later than that. The barn I am connected with, a man was taken off the car for being drunk. The other committeemen connected with me took him and had him sign the pledge. There are occasions when you can save men. He was drunk while he was operating his car; and through the signing of that pledge that man was restored to work—not after he was discharged, because it had not yet reached that point.

Through the signing of that pledge the man was restored to work, not after he was discharged, because it had not yet reached that point.

Commissioner LENNON. Is the audit that is made by the city which your cooperative committee accept, is it made under an ordinance of the city council or is it made by the city auditor and his help?

Mr. HUGHES. They are classed as expert accountants. Really, where they originate from I don't know. The names—

Commissioner LENNON (interrupting). You understand, though, that it is something that is done by the city?

Mr. HUGHES. Yes, sir; I believe it is part of the agreement between the city and the company in their partnership agreement, I believe.

Acting Chairman WEINSTOCK. So far as you know, Mr. Hughes, have the men at this time any grievance?

Mr. HUGHES. The men will always have grievances; yes.

Commissioner LENNON. What are they?

Mr. HUGHES. I think I will say the principal one at the present time is the seniority question.

Acting Chairman WEINSTOCK. Any others?

Mr. HUGHES. There are some few that do find fault with the swing-run system.

Acting Chairman WEINSTOCK. Is there any way of adjusting those grievances?

Mr. HUGHES. As a committeeman you do some thinking. You are there to work for the best interests of all.

Acting Chairman WEINSTOCK. Who has the power to adjust those grievances?

Mr. HUGHES. Mr. Tulley, I believe. You would say he is—well, not exactly the final. Mr. Mitten says if you can not agree with Mr. Tulley then come to me; but I would say that Mr. Tulley.

Acting Chairman WEINSTOCK. Mr. Tulley?

Mr. HUGHES. Mr. Tulley; yes.

Acting Chairman WEINSTOCK. How is it this grievance, then, was not adjusted?

Mr. HUGHES. I was going to say if a committeeman is placed in a peculiar position. He has got to study the dispositions of those under him. You can only settle it by mixing with them and paying attention to them. The swing-run question we had up with Mr. Jewel. We were given to understand, and we agreed with Mr. Jewel, that we could not get along without swing runs; but to do something with him I made this suggestion, that we make 12 hours a maximum for all swing runs, any run requiring a longer time than that the crew to be paid overtime. The thought was that there were so many that required longer than 12 hours that it would be an enormous expense. Then we suggested that all swing runs, no matter how small the whole was, as they call it, be paid a half hour time over and above the time required to operate, and while the committeeman and I were discussing this very difficultly two men came into the room. I thought one would kill the other. They came in. "What is the trouble with you fellows?" "Why," they said, "all these trippers have been given out; we could not get one." "How many trippers use this?" "If I remember that, he said 34. "Do the regular men all operate those trippers?" "Yes; and we can't get any." "Are you regular men?" "Yes." I said to my friend. "We will drop this swing-run question. I have been told here that these men are willing to make swing runs when there isn't any." They had worked a day and were worrying because they could not get a tripper. They were finding fault with the swing runs but willing to establish them them-

selves. So I said, "We will drop the swing-run question and leave it to the good will of the management."

Acting Chairman WEINSTOCK. That is all, Mr. Hughes. Thank you, very much.

Mr. BUSIEK. Is Mr. Fitzgerald here?

TESTIMONY OF MR. WILLIAM B. FITZGERALD.

Mr. BUSIEK. Mr. Fitzgerald, you have been invited here as one of the national officers of the street car men and because you represent a great number of street railway employees, and because the commission thinks that in Philadelphia they have found a condition unique in the treatment of employees by employers and street railways, and we want to get your ideas on the Philadelphia cooperative plan, as it is called, and determine how, in your judgment, it could be applied to other cities. Now, please give us your name in full and your official position.

Mr. FITZGERALD. W. B. Fitzgerald, member of the general executive board of the Amalgamated Association. If I get your question correctly, Mr. Busiek, my opinion of the cooperative plan, or whatever it might be styled, and how it would operate in other cities, I have got this to say, that I don't know that it is any cooperative or cooperation any more than many of the conditions that exist throughout this country to-day where men are in a practically disorganized condition, where the employer is meeting with them as individuals. Giving it its term as a cooperative plan, it creates nothing, in my opinion, but selfishness and division of men, the prevention of collective bargaining, prevention of men meeting collectively and discussing their future welfare; undemocratic in its whole character.

Mr. BUSIEK. Mr. Fitzgerald, Mr. Mitten has testified here, and so have other witnesses, that under this agreement the men have a right at any time that they choose by their vote to have the company deal with them collectively. Now, had you that fact in mind when you made that statement—when you made the statement that it prevents them from employing collective bargaining?

Mr. FITZGERALD. It is like this: In the labor world—men meeting—it is a question, and puts me in mind of when I was a boy. It is a question how long men prevent themselves from seeing the true condition of affairs. It is like growing up, when we are boys, and thinking we could touch the moon on top of a hill, and when you get there it is far away. It is just a question of how long the men in Philadelphia will be rainbow chasers; they will follow the rainbow until it dies off into the distance, and then the awakening will come to these men. The men of Philadelphia are peculiar in characteristics.

Mr. BUSIEK. Well, to get down to specific instances?

Mr. FITZGERALD. I will get to them in just a moment. They are very peculiar. So far as the right of these men to express themselves in this cooperative plan, why, I can not refer to any stronger argument against cooperation than the very fact that there are 2,028 men that have awakened to the realization that they are being deceived, and that there are but 4,000 who voted to accept the plan, and that 2,000 is considered a very small minority by the company.

Mr. BUSIEK. Well, Mr. Fitzgerald, did you hear the testimony that these 2,000 men whom you are now speaking of are a considerable number less than voted at first; that the number instead of its being weakening, there seems to be a retrogressive movement, that there is a falling off?

Mr. FITZGERALD. There has been no demonstration of that since the last vote.

Mr. BUSIEK. Not since the last vote?

Mr. FITZGERALD. Well, we will find out, I suppose, this coming month or the next month if the company carries out its expressions in its pamphlet—that each year they will vote; then we will find out. The question on the vote here has been stated very clearly—that it was a secret ballot; men go up and give their names and they are given a number. John Brown is No. 12, and he goes in behind this curtain. He is in there alone and he signs his name upon a sheet, and when he comes out, why, the sheet rolls itself over; but it is very easy after all the votes are in to take the tally sheet and count the vote and see where John Brown voted and who John Brown voted for. And that is a secret expression!

One other thing that has been testified to here—that there has been no antagonism to organized labor in this plan. The very first pamphlet that this company issued, or the second pamphlet, contained this: "No man can work on this committee," if you please, "who is directed by any influence from outsiders."

Mr. BUSIEK. What is the date of that pamphlet?

selves. So I said, "We will drop the swing-run question and leave it to the good will of the management."

Acting Chairman WEINSTOCK. That is all, Mr. Hughes. Thank you, very much.

Mr. BUSIEK. Is Mr. Fitzgerald here?

TESTIMONY OF MR. WILLIAM B. FITZGERALD.

Mr. BUSIEK. Mr. Fitzgerald, you have been invited here as one of the national officers of the street car men and because you represent a great number of street railway employees, and because the commission thinks that in Philadelphia they have found a condition unique in the treatment of employees by employers and street railways, and we want to get your ideas on the Philadelphia cooperative plan, as it is called, and determine how, in your judgment, it could be applied to other cities. Now, please give us your name in full and your official position.

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Mr. BUSIEK. What is the date of that pamphlet?

Mr. FITZGERALD. Now, for example, the service may require a man to work overtime. These men testified they got done at 2 o'clock. Now, in the organized cities under the Amalgamated carmen a man may get done at 2 o'clock in the afternoon and he will be asked to come back at 5 o'clock. He would be paid time and a half from 2 o'clock until he completed the extra work. Now, all those things in the making of wages in the organized cities are taken into consideration in the making of that wage, that while they may not get it on a straight wage the working conditions are so improved and so bettered that it is wages to our people. Swing time in the city of Pittsburgh men are paid swing time—an hour and a half—that they speak of—that is, spacings, or we call it the swing, or the spacing of five hours has been testified to. Well, our people in Pittsburgh are paid considerable dead time in there that these men in Philadelphia do not get. The handling of grievances—there are so many elements of infractions for a street-car man losing his position that it is entirely different from any other organizations to handle that. Reports of passengers, reports of transient operators, and infraction of rules—small, little infraction of rules—men are brought in. Under an organized condition the man is brought in before the superintendent and he is given a copy of his charges and he is permitted four to five hours to make his answer, whether he is guilty of those charges or not, and he goes and advises with his officers. It puts me in mind of just what Mr. Hughes testified to here, that he would—these men would—before he had reinstated him. I hold that in our organization plan that these men would have never done the things that they did on the kick-up over the selection of that run, because our agreement would provide how the runs were to be selected, and if there was any complaint he could go to his business agent or the officer who was handling the situation of that man. We don't have any such kicks as that in our organization, as where men are discharged for refusing to select runs, because we have an understanding of how the runs are to be selected when it comes a man's time to select, and if he does not select, the organization officer is empowered to sign for him—sign him up to the best run that may offer—therefore eliminating any tie-up on schedules.

Commissioner O'CONNELL. What are the hours in Pittsburgh and Chicago—maximum and minimum?

Mr. FITZGERALD. The minimum is 8 hours in Pittsburgh and the maximum of—I am not quite sure whether the highest is 10 hours—10½, I think it is. A half an hour is allowed of leeway so that schedules can be completed.

Commissioner O'CONNELL. In Chicago?

Mr. FITZGERALD. Chicago is about on the same plan, I believe, an eight-hour day.

Commissioner O'CONNELL. As the gentleman who just preceded you said, through this cooperative method here, or committee, they had reduced their system of fining the men two days or two and a half days for some infraction of the rules, it was brought down to a day. In other words, a man would have to work a day without compensation for some error or other committed. Is that generally the condition of the street car people throughout the country—something of that kind?

Mr. FITZGERALD. I think we have a better condition than that.

Commissioner O'CONNELL. Well, now, is that sort of affairs in existence in Chicago under the union rule?

Mr. FITZGERALD. No; not any such arrangements. Not any such punishments. We feel that instead of meting out the punishment to the man the man ought to be met with the punishment.

Commissioner O'CONNELL. For instance, in Philadelphia if a man was fined a day's time for some alleged infraction of the rules and it was discovered later that he had not committed this infraction of the rules, would he be compensated for that time off?

Mr. FITZGERALD. He would be reinstated in his former place and paid for all the time lost.

Commissioner O'CONNELL. And for that fine, the day's time fine, he would be compensated?

Mr. FITZGERALD. Compensated.

Commissioner O'CONNELL. Under the Philadelphia system?

Mr. FITZGERALD. I don't know.

Commissioner O'CONNELL. But under the system in Chicago and where the unions have regulations it would be?

Mr. FITZGERALD. It would be. Our agreement provides that if we can not adjust it we will arbitrate any difficulty, and that carries with it whatever the

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Chestnut Street." The schedule makers are given the number of miles that they intend to operate, and the number of miles then is divided to find out how many hours it will take to consume that number of miles. Some of the runs may be short. So, then, again, the selfishness comes in without consultation with the men. The conference committee will meet and the older men, as it was testified, usually looks for the larger run, larger number of hours, so they will say: "Brown has been in the service for 15 years and he should have a longer run than Jones, because Jones is only here 2 years." So the company cares not who operates these cars as long as they are operated with competent men; and the fact is that there is half an hour taken off of Jones and the schedule is rearranged, so that they will not interfere with the meeting and leaving points, and Brown gets half an hour out of Jones, and there is no objection on the part of the company, because it costs nothing to get that condition.

The hours are not increased, but if they would say to the employees, "We want you to build a schedule for Chestnut Street, and the schedules for the men we make would increase two or three cars over that which the company desired to operate, over their first plan, naturally there would be a tremendous objection, because the mileage costs money." So that concession is not to be compared with the first condition at all with the Amalgamated.

Before a schedule is placed, if you please, in operation, an organization, how it is hung up for five days, so not alone a committee who represents the organization may see the conditions under which they are going to work, but the rank and file of employees can see whether the schedules are agreeable to them or not, and in the end of five days, between that and the fifth day, there is lots of opportunity for the men to gather in their meetings and express their wishes, whether or not the schedules are acceptable.

How different under this wonderful cooperative plan. How different. The cooperative committee decides what shall constitute a run, and the men must accept it, and it is expected from the cooperative committee that they will go out and encourage the men to accept it. In fact, they go further; something that really an organization probably would not stand for is the moving of men from one terminal to another, the taking of men from North Philadelphia to West Philadelphia to work, moving their families, and inconveniencing them. And I make this prediction, that when this company is done with this turmoil and with this upsetting and rerouting, that when that time comes, the men of Philadelphia will sit down in their calm moments, and discover all this grand situation that they have been working under was nothing but a passing fancy.

Now, the night cars here. I don't think they are as good in Philadelphia as under the Amalgamated's condition on night cars, who work eight hours. They must not work longer than eight hours in many cities, and they receive 10 hours' pay. I don't know whether this plan here produces such a condition as that.

Relative to the vote at Horticultural Hall, so much has been said about this free expression. Let us see with their own pamphlet, just let us see whether or not that freedom is given. In bulletin issued July 1, 1913, and on page 3, Mr. Mitten says—or the cooperative committee, I don't know which—I dare say, because I am led to believe these books are in the hands of the men the morning after the cooperative committee meet—I don't know how they get them printed so fast and on the first mail distributed throughout the entire system. But he says here on page 2:

"The question to be submitted is in the following form: 'Shall the cooperative plan with the men as introduced as now in force be continued for another year?'"

But the pamphlet follows it up with this:

"If you vote 'Yes' it will mean that you ratify and approve the good work done by the cooperative committee during the past year, and that you have sufficient faith in this committee and in the management to justify continuation of the cooperation relation on the present basis."

Chairman Mitten stated that if the result of this vote is "Yes," the following wage scale, without doubt, would be made effective September, in 1913:

Twenty-five cents the first year—or, rather, the new men; first year, 26 cents; second year, 27; third year, 28; fourth year, 29; and five years, 30.

This scale represents a further increase of 1 cent per hour. Why, could there be anything more of a bribe—I will say that for the time—a bribe for the men to vote "Yes," in favor of the cooperative plan, than saying, "We will give

you 1 cent an hour"? But he goes further and says: "If you vote 'No' it is doubtful whether or not this scale will be given as increased."

Now, why? What difference would the vote "Yes" in favor of the cooperative plan be if the men had voted "No"? They would not get it. If they vote "Yes," they will get it, but why should they not get it if they vote "No"? Well, it would be as has been stated in the pamphlet—you have done some thing against this cooperative plan and you are working directly against it, and therefore we will not give you the cent.

Is that cooperation? Is that square dealing, to keep wages away from men because they will not bow to the will and vote "Yes"? Not my conception of fair dealing.

The question yesterday about this vote, and I think this is the whole substance: Great stress was laid upon the freedom, that it was not compulsory, there wasn't any antagonism to be used against the men. Freedom at all times. Six days prior to the vote taken in Horticultural Hall, there were men off, members of the cooperative committee, agitating and singing forth the praises of the cooperative plan, but the members of the Amalgamated were gagged, if you please, from singing on the praises and the improvements that the organization might bring forth.

The question was asked yesterday: "Isn't the feature of the secret ballot sufficient?" That the men possess a little beyond the ordinary—I think, in the street railway business, their intelligence and the secret ballot would lead them to feel as though they had freedom. That is true. But where, however, there was two parties in the field, let it be political parties, and one party had to use opportunities, to circulate his literature and sing its praises, while the other was gagged and not allowed to use any means of putting forth his propaganda, or its means of progress, naturally the one who had the opportunities of doing many things that the other did not have would receive the greater number of votes.

But what is the use? The plan is not any different than we know in our occupations that we meet day in and day out; Los Angeles, St. Louis, Baltimore, Kansas City, Columbus. No difference than any other place. Individuality. Prevention of men collectively gathering together; preventing the advancement, the exchange of thoughts with one another. That is what this does. Division. Division as it was testified this morning. The sliding scale. Workmen who work at the same occupation, the same hours, the same requirements placed upon them, and a difference of 5 cents per hour in their wages.

It is created, as they say, for efficiency. Well, let us see. Well, assume, for argument's sake, that the sliding scale was created for efficiency. That a man is better at the end of two than he was at the end of one year, that he is better at the end of three than he is at the end of two, and he reaches his period of usefulness at the end of five years, Philadelphia says. All right. If a man who to-day is working for 30 cents an hour in Philadelphia should leave this occupation and remain out of it but one week or two days or three days he would come back at the minimum wage, though he had 15 or 20 years' experience. It is not for efficiency; it is to keep the worker divided, keep him separated, keep him from imparting his wrongs to his fellow men.

Commissioner O'CONNELL. Yet may it not lead toward permanency of employment? May it not lead the employee to permanency? It may be a premium for service that he should continue, rather than be changing from one employment to another. May it not have that tendency?

Mr. FITZGERALD. It has that condition?

Commissioner O'CONNELL. May it not have that tendency?

Mr. FITZGERALD. It has not; it has not. That is where the cooperation can never exist. Men become disgruntled, dissatisfied. If you and I were doing the same work as the other fellow, and the same requirements were placed upon us, how can there be any real enjoyment of cooperation or good will when one man on the front end is getting 26 cents an hour, and I am doing the work of the old conductor on the back end and getting 25 cents an hour? Exactly the same work, exactly the same requirements, and everything else.

Commissioner O'CONNELL. Well, now, Mr. Fitzgerald, the gentleman who preceded you this morning spoke for that branch of the employment known as the beneficial organization. The only reason that I remember he assigned for the existence of that organization was that they paid \$5 a week sick benefits and \$150 death benefit. Doesn't your Amalgamated Society make a similar provision, and would be better able to assure such benefits? In other

words, is that a sufficient reason for a separation of the organization, of an organization separate from yours in the employment of the railway service?

Mr. FITZGERALD. I have answered that, Mr. Commissioner, by saying that, and well you know, we have connected with our organization, as well as many other trade-unions, that fraternal feature that has come into its life through its environment, through the environment surrounding it. That would be no reason, because of the fact that our benefits are better and more secure. If a man once becomes a member of the Amalgamated Association, whether he works upon a street railway or not, he can retain his benefits. Against that, the men who leave this service must sever their connections from the beneficial end of the organization—the benefits of sick benefits. Organization after organization is now paying \$5, some \$7, and some \$8 a week. That I want to leave to Mr. Reeves, because he fabricates that condition upon the benefits. But I say this, that within six months that there was paid out to the members of the Amalgamated Association, the past six months, \$72,000 in death benefits and disability benefits. So that is not a true statement of fact about the division of men of Philadelphia. The Amalgamated to-day could be in just as healthy a position as it was in 1909, providing that the Amalgamated Association allowed the rank and file of Philadelphia to run roughshod over its laws that they were part and parcel of making in their conventions.

There is the true condition, and the position of the Amalgamated was that 40,000 loyal, true members to the Amalgamated was much better than having 90,000 with one-half of them running roughshod over its laws, which would have its damaging and dangerous effect throughout the country.

In answer to one statement, I want to make this, as a message to my friend Kernaghan from the Amalgamated: That there is no craze going to be hung upon the Amalgamated doors; that the Amalgamated regrets sincerely that the members that they had in 1909 or 1910 are not in the Amalgamated Association now, but they do not regret, and as one officer, I think I speak for the rest of them on this, they do not regret any action that the officers of the Amalgamated took in the city of Philadelphia, and if the same condition prevailed they would do the same thing all over again.

But let him take it back that it is healthy and progressing, and that it is not going to have any craze; that there is not going to be any wakes for a long, long time to come over the Amalgamated's grave because Philadelphia has not seen fit to fall in line with the rest of the trade-unions.

Commissioner O'CONNELL. As I understand that beneficial association, the dues are 50 cents a month, I think you said, and \$1 initiation?

Mr. FITZGERALD. I think it is 50 cents initiation and 25 cents a month.

Commissioner O'CONNELL. Well, I think that—

Mr. FITZGERALD. Maybe I am mistaken.

Commissioner O'CONNELL. I think he said 50 cents a month.

Mr. FITZGERALD. Probably that is true.

Commissioner O'CONNELL. For the payment of \$5 a week sick benefits and \$150 death benefits a charge of 50 cents a month, or \$6 a year, would seem to me to be a very high premium for those benefits. What are the dues of the Amalgamated Society?

Mr. FITZGERALD. The dues are \$1 a month; 50 cents of that dues remains in the local union for the carrying on of its local purposes and 50 cents of it is sent to the international association as a per capita. Twenty-six cents of that 50 is laid aside for what is known as the death, old-age, and disability fund, and the remaining 24 cents is divided into 9 cents, I believe, to strike funds and 11 cents to general, and the motorman and conductor, 4 cents.

Commissioner O'CONNELL. What is the disability and old-age pension; what is that?

Mr. FITZGERALD. A member who has been a continuous member for 25 years and reaches the age of 65, his benefit would be exactly the same as the funeral benefit. He would get \$800 immediately. That would be his pension.

Commissioner O'CONNELL. Then you set aside the same proportion of money; that is, you allow your local unions to retain 50 per cent, or 50 cents on each dollar paid in the local funds, for paying the expenses of operating the local union, out of which may be paid a sick benefit of \$5 a week; possibly, and the death benefits will be taken care of by your international?

Mr. FITZGERALD. Yes.

Commissioner O'CONNELL. So that they still have retained in that fund money to be used for other purposes?

Mr. FITZGERALD. There is also a benefit in the local unions in addition to the international benefit for disability and death. The local union, including its sick benefit, also pays a death benefit. For example, I think the city of Pittsburgh pays \$150 in addition to the benefit of the international.

Commissioner O'CONNELL. Now, what do you know about the matter of accidents and the settlement of claims for accidents, and so forth, in connection with the Philadelphia situation?

Mr. FITZGERALD. Well, I don't know so much about Philadelphia; but there is the natural—

Commissioner O'CONNELL. Well, now, what, if you don't know about Philadelphia, what about the cities where you have an organization, say in Chicago or Pittsburgh, or such other place as you may have in mind?

Mr. FITZGERALD. That is, if the employee was injured?

Commissioner O'CONNELL. Yes.

Mr. FITZGERALD. Why, all the companies that I have come in contact with pay their employees full time, see that they are properly taken care of, have medical attendance, etc.

Commissioner O'CONNELL. Now, in some of these cities they have no State laws providing for disability, etc. In New York, for instance, the new law there gives—goes into effect on the 1st of July.

Mr. FITZGERALD. Yes; that will probably make a change in the conditions.

Commissioner O'CONNELL. Make a change in the situation there?

Mr. FITZGERALD. Yes.

Commissioner O'CONNELL. Pennsylvania seems to be sadly neglected in that direction. It seems from the information that we have listened to here so far that there really isn't any method whatsoever of adjusting claims except the generosity of the company or the choice of the employee, of the individual, to take the case into court.

Mr. FITZGERALD. This is the system under which the organization works. If a man is injured, I would take, for example, the city of Rochester, for example. If a man is injured to-day, the claim agent waits on him, and sees how badly he is hurt, and from time to time there is some inquiries made about him, and when he is able to come around he usually is told to journey down to the claim department.

He sometimes advises with the officers of the organization and they give him the advice what to do, and he goes up to the superintendent and the superintendent sends him over to the claim department, and his claim is adjusted. It is an understood fact, they have that done under the organization, and where the organization is in existence, if the man's claim was cast aside or unsatisfactory to him in the settlement, why, he would naturally submit it to the business agent of his organization, and they would take it in hand under the terms of our agreement with the company just the same as any other grievance. There is no grievance. I was very much interested. There is some facts—some things in the cooperative plan that the employees have something to say about, and there is others that the company have all to say about.

Now, under the organization plan of the Amalgamated or trade-unions, why, there is nothing that affects the employees but what is a grievance that can be taken up by the employees with the company, so that the company and the men consult on many things.

Commissioner LENOX. Mr. Fitzgerald, will you just briefly recite to us the policy of the Amalgamated Association as to conciliation and arbitration in dealing with employees?

Mr. FITZGERALD. This is all clearly set forth in our laws, what I am about to repeat from memory. The local union has autonomy for all its affairs, as long as there is no interference with the laws of the general association. If there is a question that comes up that may involve the local union in a difficulty a referendum vote is taken—a ballot vote—so that each and every man will be given an opportunity to vote. If they are suburban lines ballots are sent to them in a secret way and carried back to the central point for count. If two-thirds of the members voting indorse the proposition, naturally this takes place after the preliminary investigation has been made on the part of committees and no results have been obtained. If two-thirds of the vote is in favor of carrying the matter further, why, they then wire the international association for assistance, and the international president or deputy is instructed to immediately go there. Upon his arrival he is supposed to immediately take up with the company and the committee the question and seek an adjustment of it.

If they are unable to reach an agreement he has to communicate with the international executive board. That is, in our organization, from San Francisco into Canada and into the South and East; and there are nine members, and there must be a majority of the board members vote in favor of the suspension of work; but the man upon the ground, under no consideration is he supposed to declare a strike unless the company has refused to arbitrate.

Commissioner LENNON. And your organization stands for the opportunity of arbitration in every case before strike takes place?

Mr. FITZGERALD. That is the policy, Mr. Commissioner.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. In speaking about the secret ballot, Mr. Fitzgerald, you practically conveyed the idea that while the ballot is alleged to be secret, as a matter of fact, it may not be secret, because you pointed out that there were methods by which the company could find out just how each man voted.

Well, if that is true, why, of course, the alleged secret ballot is a delusion and a snare, and has no merit, and is of no protection to the workers. Now, I am sure that this commission would be interested to know whether it is a real secret ballot or a fake secret ballot; and if there is anybody present representing the company who can answer on that score I think we would be glad to hear from them on that.

Mr. FAIRCHILD. My name is Mr. Fairchild, statistician for the company. We would be very glad to give you a form of ballot and the whole paraphernalia of taking that vote after the witness is through or at any time you may ask us to do so.

Acting Chairman WEINSTOCK. Well, now, could you briefly answer the points made by Mr. Fitzgerald this morning in which he pointed out that there was a way of identifying every voter?

Mr. FAIRCHILD. Mr. Kline was quite actively interested in the separation of that mode of ballots, and is familiar with all the details. He has left the room but will be back in a moment, and will you ask him that question and let him describe the detail?

Acting Chairman WEINSTOCK. Well, will you locate him and bring him in?

Mr. FAIRCHILD. Well, I see he is now here.

TESTIMONY OF MR. M. R. KLINE.

Mr. KLINE. I have here, gentlemen, the notice which was posted at our depots from which the first vote was taken, as a result of the request of the Amalgamated Association for a vote. You will notice that this is certified to by the representatives of the then Amalgamated Association. This refers distinctly to the first vote as a result of a request upon us by the Amalgamated Association. That is dated October 25.

(The paper here produced by the witness is marked Exhibit 1, Witness Kline, June 24, 1914.)

The paper entitled "Information to Conductors and Motormen" was submitted in printed form.)

Now, this paper is a copy of the certificate of the vote as signed by the representatives chosen by the men and as published in the newspapers.

(The paper here produced by the witness was marked "Exhibit 2, Witness Kline, June 24, 1914.")

Kline Exhibit No. 2 is a typewritten letter and will be found under the head "Exhibits.")

Now, this is a copy of the notice that was posted at all our depots for the second vote, the second big vote at Horticultural Hall. Now, this must not be mixed with the depot vote for committeemen, which was entirely different. Both of these votes are the votes taken at Horticultural Hall on the so-called labor questions; the first as to whether there should be an agreement with the Amalgamated Association, and the second as to whether the cooperative plan as then in force would continue for another year.

(The paper last produced by the witness was marked "Exhibit 3, Witness Kline, June 24, 1914.")

The paper entitled "Information to Motormen and Conductors," dated July 2, 1913, was submitted in printed form.)

Necessarily, there had to be prepared a list of employees eligible to vote. These lists were prepared, and as a man came in to vote he came into a so-

called stall, something like this, and gave the man who had the list his name, "John Smith, 1627 Woodland depot." His name was checked off and he was given one of those ballots—one of those slips—and he went into a booth similar to the general election plan, and he placed on that line, "I vote 'Yes,' or 'No,'" whatever it happened to be. Nobody around, curtain in back of him, just the same as elections are usually conducted.

Commissioner O'CONNELL. Did he have to sign it?

Mr. KLINE. No, sir.

Acting Chairman WEINSTOCK. Anything on the ballot by which he could be identified?

Mr. KLINE. Absolutely, no, sir, gentlemen. This man then deposited this ticket in a large ballot box similar to that used in general elections; and then afterwards, when the voting was finished, those votes were taken out and counted by the committee.

Commissioner LENNON. What became of the machine that—

Mr. KLINE. The plan for cooperative committee man is entirely different, so that there is a machine—I would be glad to have it brought down immediately.

Commissioner LENNON. I understand the machine.

Mr. KLINE. It is a machine with a level on it. It was originally made so that a man could write his name and the name of the man he chose to vote for, and that has been changed so that now when he comes in to the voting committee, consisting of three men of the cooperative committee the one member will check off the name as he comes in on those lists; those lists are open to the men that come in after and see the others, but there is no notation on it. His name is checked off this list, and he comes into this booth and writes the name of the committee man for whom he desires to vote on the roll in the membership. The lever is pulled back and that name passes on, so that the following man can not see who the previous man voted for.

Acting Chairman WEINSTOCK. Do you care to ask any questions?

Mr. FITZGERALD. When the machine is open all the roll is in one portion?

Mr. KLINE. Yes, sir.

Mr. FITZGERALD. I made the statement that the tally sheet, John Brown, 12, the twelfth man on this roll, could be shown who he was; couldn't he?

Mr. KLINE. Yes, sir.

Mr. FITZGERALD. Yes, sir; that is it.

Mr. KLINE. If you wanted to.

Mr. FITZGERALD. If you wanted to. It is wanting and doing, I suppose; but that does not change it.

Mr. KLINE. May I ask a question.

Acting Chairman WEINSTOCK. Surely.

Mr. KLINE. Will you tell me why the members of your organization have not objected to this thing before now?

Mr. FITZGERALD. I don't think it would be well for them.

Mr. KLINE. You don't deny that they have the privilege?

Mr. FITZGERALD. I deny absolutely that they have the privilege.

Mr. KLINE. To object to it?

Mr. FITZGERALD. To object to anything that the cooperative committee, with Mitten's own statement said that any man who opposes this cooperative plan shall not draw any wages from this company. That is Mr. Mitten's words, not Mr. Kline's.

Mr. KLINE. I have told you—

Mr. FITZGERALD. I believe what you say is correct. You don't change my statement.

Mr. KLINE. These are open to the members of your organization as well as to every other member, and the system of voting on this plan, they use every effort to vote and elect the committee man—

Mr. FITZGERALD. I will tell you the reason they vote.

Mr. KLINE. That is all right.

Mr. FITZGERALD. That is not a secret ballot.

Mr. KLINE. But you are trying to leave the impression that your men are in a class by themselves, and it is not the case.

Mr. FITZGERALD. It is not well for them under the circumstances to assert a certain privilege, though that gentleman may be opposed to the privilege.

Mr. KLINE. Any man whom they vote for as cooperative committee man has the same right to assert himself as any other man under the plan?

Acting Chairman WEINSTOCK. Mr. Klein, it has been brought out here that when it comes to the election of committee men—

Mr. KLINE (interrupting). Yes, sir.

Acting Chairman WEINSTOCK (continuing)—there is a way of identifying the voter?

Mr. KLINE. Positively none; and we are only too glad to know of some improvement, if there is any to be suggested.

Acting Chairman WEINSTOCK. Mr. Fitzgerald put the question a moment ago and you answered it in the affirmative.

Mr. FITZGERALD. Here is the tally; they write Jones, 12. Jones leaves and goes and pulls a button and writes his name right there. This little lever keeps turning the paper round on a roll, so that if it tallies and this cooperative committee wanted to find out how Fitzgerald voted for a man or not, he could 1, 2, 3, down to 12, and if that was not possible the writing of a man in a certain barn for years could be compared to his day sheet and they could discover who he was. I contend it is not a secret ballot.

Mr. KLINE. There are absolutely no numbers written after the names of the employees. I said yes, sir; it would be possible if those numbers were put after the names.

Mr. FITZGERALD. But you don't do it.

Mr. KLINE. It is not done.

Mr. FITZGERALD. That is a statement of fact.

Mr. KLINE. When you take the Lucerne depot, or some larger car houses where we have 800 or 900 men, you can readily realize how ridiculous a proposition it would be to follow the signatures of the men.

Mr. FITZGERALD. Nothing is ridiculous when it is necessary to get the weapon of destruction against organization.

Mr. KLINE. Thank heavens, it has not been necessary so far.

Acting Chairman WEINSTOCK. Mr. Kline, I am a little confused on the situation as it is now.

Mr. KLINE. I would be glad to enlighten you.

Acting Chairman WEINSTOCK. I would be very glad to get straightened out on it. Mr. Fitzgerald's statement was that it was possible to identify the voters. I understood you to admit that it is possible to identify the voters.

Mr. KLINE. I should have qualified it by saying if those numbers were put after the names it would be possible.

Acting Chairman WEINSTOCK. If the numbers were put after the names?

Mr. KLINE. Yes, sir.

Acting Chairman WEINSTOCK. Are they put on there?

Mr. KLINE. No, sir. If I was the first man to vote at a depot—say, Lucerne, there are 1,021 men—every one of those men after me could see whether there had been any notations on that list.

Acting Chairman WEINSTOCK. Your position, then, is this, that if the plan outlined by the witness were followed the voters could be identified?

Mr. KLINE. Yes, sir.

Acting Chairman WEINSTOCK. But the plan that is actually followed, they can not be identified?

Mr. KLINE. Absolutely no.

Mr. FITZGERALD. Mr. Kline is the first voter.

Mr. KLINE. I could be.

Mr. FITZGERALD. Assume that.

Mr. KLINE. Very good.

Mr. FITZGERALD. You are put down at the top of the list?

Mr. KLINE. Yes, sir.

Mr. FITZGERALD. There is no number put behind you, but the name is put down?

Mr. KLINE. No, sir. There is a list of 1,021 names.

Mr. FITZGERALD. To be checked?

Mr. KLINE. Yes, sir. As I come in, so a man could not be counted a second time.

Mr. FITZGERALD. Are they in alphabetical order?

Mr. KLINE. No, sir; those lists are prepared on there as they hold the runs on the particular lines on which they work.

Mr. FITZGERALD. I see.

Mr. KLINE. The man who has No. 1 on route 6, for example, would be the first man on that list. After it is all done, deciding at the Lucerne depot once more, where we have eight lines of cars, those men, in order to keep track of the men who come in first, would have to make a notation that the man on route 6 came in first or he couldn't tell.

Mr. FITZGERALD. Do you consider it is a secret ballot where a man writes his name?

Mr. KLINE. He does not write the name. He writes the name of the cooperative committee man for whom he works.

Mr. FITZGERALD. His own handwriting, isn't it?

Mr. KLINE. Yes, sir.

Mr. FITZGERALD. You think that is a secret ballot?

Mr. KLINE. Yes, sir.

Mr. FITZGERALD. You think that the Government and the laws of this country recognize that is a secret ballot?

Mr. KLINE. I think they do.

Mr. FITZGERALD. Where do they do it?

Mr. KLINE. I can not cite any instance, but I think it is as near secret as you can arrange it.

Acting Chairman WEINSTOCK. The election that we have been discussing in the last few minutes referred to the election of the committee men?

Mr. KLINE. Yes, sir.

Acting Chairman WEINSTOCK. What system was followed when the ballot was taken as to whether the cooperative idea should continue?

Commissioner LENNON. He showed that.

Mr. KLINE. This one here.

Acting Chairman WEINSTOCK. Was there any writing on the ballot in that case?

Mr. KLINE. Absolutely none.

Acting Chairman WEINSTOCK. Answer simply "Yes" or "No."

Mr. KLINE. No, sir.

Acting Chairman WEINSTOCK. Do you care to ask any questions on that, Mr. Fitzgerald?

Mr. FITZGERALD. No; we have no question about the Horticultural.

Acting Chairman WEINSTOCK. You have no question about that?

Mr. FITZGERALD. No, sir. That is the kind of a ballot that is all right—when a man goes in and marks an X in it.

Acting Chairman WEINSTOCK. You don't dispute the secrecy of this particular ballot?

Mr. FITZGERALD. No, sir. The most important particular of the whole supposed cooperative plan is the gentleman whom we desire to be elected, not this plan.

Mr. KLINE. That is the vital plan to him.

Mr. FITZGERALD. To us?

Mr. KLINE. Yes, sir.

Mr. FITZGERALD. You don't see us worrying much about it?

Mr. KLINE. That is your situation generally.

Acting Chairman WEINSTOCK. What was the outcome of this ballot? How did it stand; that is, the ballot to determine whether the cooperative plan should be continued?

Mr. KLINE. Yes, sir. The vote certified shows it.

Mr. FITZGERALD. Eighty-eight over two-thirds.

Mr. KLINE. There were 4320 votes cast in the affirmative and 2,028 were cast in the negative. There were 7 defective ballots.

Acting Chairman WEINSTOCK. While you are standing here, Mr. Kline, I want to ask another question before I take up my questioning of Mr. Fitzgerald. The statement was made yesterday, by Mr. Mitten I think, that the company did not object to the men joining unions?

Mr. KLINE. Yes, sir.

Acting Chairman WEINSTOCK. The only objection the company had was to having the men solicited on the company's premises?

Mr. KLINE. Yes, sir.

Acting Chairman WEINSTOCK. Is that right?

Mr. KLINE. I believe that is as Mr. Mitten defined it.

Acting Chairman WEINSTOCK. Will you be good enough to explain why the company objects to having the men solicited on its premises?

Mr. KLINE. I couldn't speak from the standpoint of the company, Mr. Wein-

stock.

Acting Chairman WEINSTOCK. Are you in the employ of the company?

Mr. KLINE. Yes, sir.

Acting Chairman WEINSTOCK. In what capacity?

Mr. KLINE. I am president of the beneficial association and chairman of the pension insurance company.

Acting Chairman WEINSTOCK. So far as you know, what are the reasons, because it is feared that organizers coming on the premises and meeting men hostile to the unions might get into discussions that would lead to heat and friction or, possibly, trouble?

Mr. KLINE. My own idea is that there is no necessity since we put the question of whether the cooperative plan should continue immediately in the hands of the men. Mr. Mitten has said, and it has not been contradicted, that if two-thirds of the Rapid Transit people wanted a union agreement and asked for it and so signified by their vote, and I have never heard it defined in any other way.

Acting Chairman WEINSTOCK. Now, Mr. Fitzgerald—

Mr. FITZGERALD. Let me ask another question. There is nothing to prevent somebody interested to stand at the polling place and record each man who had went in and give him a number?

Mr. KLINE. Yes, sir.

Mr. FITZGERALD. What would prevent it?

Mr. KLINE. The vote committee.

Mr. FITZGERALD. How would they know it?

Mr. KLINE. They would permit no one to stand around.

Mr. FITZGERALD. It is a big place. Is it in the car house?

Mr. KLINE. In the employees' room, usually.

Mr. FITZGERALD. Has any employee got a right to go in and sit in there?

Mr. KLINE. Not immediately at the place where the voting is going on.

Mr. FITZGERALD. But he would be in the distance, where he could see everything that would go on?

Mr. KLINE. I don't believe that he would.

Mr. FITZGERALD. There is nobody allowed to watch in there but the cooperative tellers?

Mr. KLINE. Men in and out all the time. But if anybody attempted to go in and make any notes or stand around in a manner that would lead to suspicion it would not be permitted.

Mr. FITZGERALD. Those tellers are all there?

Mr. KLINE. They are representatives.

Mr. FITZGERALD. The cooperative committee act as tellers?

Mr. KLINE. The voting committee of three members of the cooperative committee.

Mr. FITZGERALD. That is, men who may be running for a cooperative committeeman's place might be teller in the Frankfort barn to-day, and he might come from second Wyoming or some other place; is that true?

Mr. KLINE. No, sir.

Mr. FITZGERALD. Who are the tellers on the general election of the committeemen, if the commission will permit this to come out?

Mr. KLINE. Which?

Mr. FITZGERALD. Do you have the election for committeemen at all the barns at the same time?

Mr. KLINE. No, sir; once a month.

Mr. FITZGERALD. They are elected once a month?

Mr. KLINE. Yes, sir. One every month at each depot, once a month, which means that about every three months there is a change at each depot.

Acting Chairman WEINSTOCK. Mr. Fitzgerald, as you understand it, how many hours a day do the men work on an average?

Mr. FITZGERALD. Here?

Acting Chairman WEINSTOCK. Yes.

Mr. FITZGERALD. I don't know.

Acting Chairman WEINSTOCK. A statement was made yesterday that they work nine and a fraction hours.

Mr. FITZGERALD. I would have to look at the schedules to find out.

Acting Chairman WEINSTOCK. That seems reasonable and probable, that they would work somewhere between 9 and 10 hours, on an average.

Mr. FITZGERALD. They may have actual platform work of 9, but they might be consuming the 14, which I consider work.

Acting Chairman WEINSTOCK. Assuming that they are on duty as it were between 9 and 10 hours a day, that would give them somewhere between 14 and 15 hours off duty?

Mr. FITZGERALD. Off duty? What do you mean, Mr. Chairman, off duty?

Acting Chairman WEINSTOCK. That is where they could leave the barn.

Mr. FITZGERALD. Where could they go?

Acting Chairman WEINSTOCK. How?

Mr. FITZGERALD. Where could they go?

Acting Chairman WEINSTOCK. Any place they pleased.

Mr. FITZGERALD. For your information, supposing a man went to work at 5 o'clock in the morning, left his home at 4 o'clock; he finishes on a swing at 11 o'clock and he has to come back at 3 o'clock. There is not much enjoyment that he could have, because he would have to come back and work till 8 or 9 o'clock at night, so he would want to get to the nearest bed he could find.

Acting Chairman WEINSTOCK. What I mean is that there would be an interval of 14 or 15 hours broken, but that is his own time. Admitting that the company will not permit organizers to solicit membership on their premises during working hours, there still remains between 14 and 15 hours that belongs to each man that is absolutely his own, during which he can be solicited away from the premises. Is there any good reason why your Amalgamated Association can not solicit those men during that time and secure their membership?

Mr. FITZGERALD. In answer to that I would say this: That we expect where companies are opposed to organization that that would be all right; but the only reason we make the statement is because there has been a pretense that this company is not opposed to the organization of labor. There is the reason we say that. We expect that condition with the company in Los Angeles, or Columbus. We say—they say "You can not come in our barn and organize," but that company comes out openly and says we can not, while this company pretends, if you please, that it is a friend to organized labor when it is its enemy. That is our objection to that portion of it.

Acting Chairman WEINSTOCK. How is this point of view dealt with in the judgment of yourself and your associates, do you believe that the carmen of Philadelphia are making a mistake in accepting the cooperative idea instead of operating under the organization. Do you believe that from your investigation of it this cooperative idea is a delusion and a snare? Having at heart, I take it, the welfare of these carmen it would seem to me that it would be your duty to make that clear to them. If you can not do it on their working premises to do it off the working premises.

Mr. FITZGERALD. And that is being done continually by circular letters?

Acting Chairman WEINSTOCK. How long had that been done?

Mr. FITZGERALD. I think it has—how long has it?

Acting Chairman WEINSTOCK. Yes; how long have you been circularizing the men?

Mr. FITZGERALD. I couldn't say that; but I know positively that they are being circularized. How often and to what extent I can not say. But I can say positively that I have had them circularized, and I think it had its good result, because there have been 2,028 men who voted against the cooperative plan, so I don't think love's labor has been lost?

Acting Chairman WEINSTOCK. When did this take place?

Mr. FITZGERALD. In July, 1913.

Acting Chairman WEINSTOCK. A year ago?

Mr. FITZGERALD. Yes, sir.

Acting Chairman WEINSTOCK. Do you know what that ballot was the previous year?

Mr. FITZGERALD. I do not.

Mr. KLINE. May I say a word in answer to your question?

Acting Chairman WEINSTOCK. Yes.

Mr. KLINE. I want to call your attention to this vote certificate on the question of whether or not there should or should not be an agreement with the Amalgamated Association. This vote was taken November 2, 1911, and at that time there were 4,276 men voted for the Amalgamated agreement. Mr. Fitzgerald takes the position that the fact that 2,028 men voted against the cooperative plan at the last vote, a year later, or a year and a half later, to be exact, July 8, 1913, shows an additional interest in their cause.

Acting Chairman WEINSTOCK. Do you mean that in place of that showing, that 2,000 votes showing a growth in the direction of unionism it shows the decline of from four thousand some odd votes to two thousand some odd votes?

Mr. KLINE. That is the point.

Mr. FITZGERALD. How many men were qualified to vote at Horticultural, Mr. Kline?

COOPERATIVE PLAN OF THE PHILADELPHIA RAPID TRANSIT CO. 2807

Mr. KLINE. In the first vote for November 2, 1911, there were certified to the judges the names of 6,944 men.

Mr. FITZGERALD. That was the vote upon whether - -

Mr. KLINE. Whether there should or should not be an agreement.

Mr. FITZGERALD. Yes, sir. I see. A different proposition from what you submitted to them on the second vote?

Mr. KLINE. Oh, no.

Mr. FITZGERALD. Oh, yes.

Mr. KLINE. Oh, no.

Acting Chairman WEINSTOCK. Read it.

Mr. FITZGERALD. The one was to see whether they should treat as individuals—

Acting Chairman WEINSTOCK. Read the first and second propositions.

Mr. KLINE. Yes.

“PHILADELPHIA, November 2, 1911.

“Mr. T. E. MITTEN,

“*Chairman Executive Committee of the Board of*

“*Directors of the Philadelphia Rapid Transit Co.:*

“The undersigned judges, appointed to conduct an election under the Mitten plan of August, 1911, upon the question:

“‘Shall the Amalgamated Association of Street and Electric Railway Employees of America, Division No. 477, make a contract with the Philadelphia Rapid Transit Co. upon the basis of the Mitten plan as published in book form and dated August, 1911?’

“report that there were certified to the judges the names of 6,944 men—motormen, conductors, and trainmen—qualified to vote upon the said question. That 4,276 votes were cast in the affirmative, and 2,366 votes were cast in the negative. There were 16 defective ballots not counted.

“(Signed)

“C. O. PRATT,

“*Judge Appointed by Amalgamated Association.*

“WILLIAM J. WILSON,

“*Judge Appointed by Keystone Association.*

“RICHARD WATERMAN,

“*Judge Appointed by Association of Newspapers.*”

The second vote, at Horticultural Hall, July 8, 1913:

“PHILADELPHIA, July 8, 1913.

“Mr. T. E. MITTEN,

“*Chairman Executive Committee of the Board of*

“*Directors of the Philadelphia Rapid Transit Co.:*

“The undersigned judges appointed to conduct an election under the Mitten plan of August, 1911, as set forth in Cooperative Bulletin No. 19, of July 1, 1913, upon the question:

“‘Shall the cooperative plan with the men as individuals as now in force be continued for another year?’

“report that there were certified to the judges the names of 6,805 men—motormen, conductors, and trainmen—qualified to vote upon the said question.

“That 4,320 votes were cast in the affirmative and 2,028 votes were cast in the negative.

“There were 7 defective ballots not counted.

(Signed)

“MART H. RAY,

“*Judge Appointed to Represent the City.*

“RICHARD WATERMAN,

“*Judge Appointed to Represent the Public.*

“MICHAEL H. HUGHES,

“*Judge Appointed from Cooperative Committee.*”

Mr. FITZGERALD. How many do you say were qualified to vote?

Mr. KLINE. Six thousand eight hundred and five at the horticultural plant—no—on the first vote there were 6,944 men?

Mr. FITZGERALD. Yes, sir.

Mr. KLINE. That is on the question of the Amalgamated agreement?

Mr. FITZGERALD. Yes, sir. And on the next?

Mr. KLINE. The second vote?

Mr. FITZGERALD. Yes.

Mr. KLINE. There were 6,805 men.

Mr. FITZGERALD. Yes, sir. Were there anybody else voted outside the motor-men and conductors in the passenger service?

Mr. KLINE. No, sir.

Mr. FITZGERALD. There were no freight men?

Mr. KLINE. Freight men?

Mr. FITZGERALD. Yes, sir.

Mr. KLINE. No, sir.

Mr. FITZGERALD. You are sure of that?

Mr. KLINE. Absolutely; because they do not participate in the 22 per cent fund.

Mr. FITZGERALD. I know they don't; but I am asking you if they voted.

Mr. KLINE. They did not. I answered it.

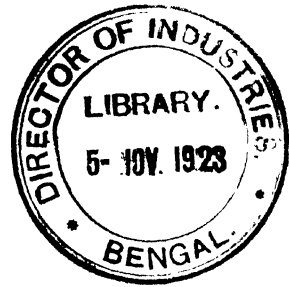
Mr. FITZGERALD. We feel they did.

Mr. KLINE. That is your privilege.

Mr. FITZGERALD. And know they did.

Acting Chairman WEINSTOCK. That is all, Mr. Fitzgerald, thank you very much.

Mr. PRATT. I challenge the statement made by William B. Fitzgerald to the effect that "the carmen of Philadelphia were suspended because they sought to override the laws of the international association, and that under similar conditions the international officers would do the same thing over again. I positively deny that the Philadelphia carmen violated the international laws, and stand ready to prove the facts. We have been denied any hearing or trial to defend ourselves against that charge, although the union laws guarantee us that right.



EXHIBITS.

MITTEN EXHIBIT NO. 7.

BASIS OF STATEMENT OF T. E. MITTEN, CHAIRMAN EXECUTIVE COMMITTEE PHILADELPHIA RAPID TRANSIT CO., BEFORE UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS, TUESDAY, JUNE 23, 1911.

CONDITIONS IN 1910.

A serious crisis in the street railway situation in Philadelphia developed during the year 1910. A strike of the motormen and conductors had occurred in May, 1909, and again in the spring of 1910. These strikes had been attended by riot and bloodshed, and had cost the company and the city millions of dollars, while the motormen and conductors lost more than one-half million dollars in wages alone.

The street car service was demoralized, due largely to the bitterness of feeling between the rival factions into which the motormen and conductors were divided. The discipline was so lax and the feeling between the members of the rival organizations was so bitter that the number of accidents had increased at an alarming rate, the schedules were interrupted and irregular, and the public suffered further through lack of courteous treatment from the employees.

The motormen and conductors were underpaid and dissatisfied and another strike was brewing.

The company, with its credit seriously impaired because of these conditions, was facing a most serious problem in providing the funds necessary to the rehabilitation of the property.

THE STOTESBURY MANAGEMENT.

In this emergency, Mr. E. T. Stotesbury was prevailed upon to assume as a civic duty, the responsibility for the policy and business management of the company.

The financing necessary to the buying of new cars and the general rehabilitation of the property having been accomplished the Stotesbury management undertook to build up during the five years following June, 1911, an adequate system of surface transportation and at the same time satisfy the three parties at interest. To the public it promised an adequate system of surface transportation within the five-year period; to the motormen and conductors it promised recognition of their efforts in the way of cooperation, by such wages as the resulting increased efficiency made possible; but, to the stockholders, it promised no hope of dividends until good service to the public had become established and the wages of the motormen and conductors placed upon a satisfactory basis.

COOPERATIVE PLAN.

The motormen and conductors were receiving in wages, pensions, and death benefits approximately 21.80 per cent of the gross receipts. The management was convinced that this percentage of gross receipts could, by the introduction of larger cars and improved operating methods be made to produce much higher wages to the motormen and conductors, provided that cooperation and team work could be established between the men and the management.

The cooperative plan was born of this necessity. Under this plan 22 per cent of the gross passenger earnings is set aside in a separate fund for use in payment of wages, pensions, and death benefits to the motormen and conductors engaged in the passenger service, and a cooperative committee composed of representatives of the men and the management is established for

the consideration of ways and means to improve the service to the public, increase the wages, and better the working conditions of the motormen and conductors.

ORGANIZED LABOR.

At the incoming of the Statesbury management about one-half of the motormen and conductors were affiliated with the Amalgamated Association, the remainder being divided between the local Keystone Union and those not affiliated with any organization.

The attitude of this management toward these two organizations is clearly defined in the cooperative plan booklet issued August, 1911, as follows:

"This management does not take a position either for or against either of the organizations having membership among its motormen and conductors, but it is desirous of securing lasting peace and the earnest cooperation of its motormen and conductors, and that by the path of least resistance. If, therefore, a large majority of the motormen and conductors (say two-thirds) desire that this management deal with its motormen and conductors as an organized body, no lasting peace or unity of effort can be expected until this demand has been properly met and fairly disposed of. This management can not, upon the other hand, so interfere with the personal liberty of any man in its employ as to arbitrarily require him to become a member of a labor organization. It can, however, in all fairness, pay from the sum representing 22 per cent of the gross passenger earnings that amount which represents the dues of all motormen and conductors in a labor organization if that be the expressed desire of the large majority.

"The desire of two-thirds of the motormen and conductors expressed by secret ballot, under conditions which insure a fair count, may in all justice be considered as binding the minority to bear their share of such a tax.

"This management has, therefore, decided that upon a proper application being made by either or both of these organizations, a vote will be taken under such regulations as will insure a fair election; this management undertaking, upon a confirmative vote of two-thirds of its motormen and conductors, to enter into an agreement with the organization receiving such vote, which agreement shall conform both in substance and detail with the plan herein outlined.

"In the event of an agreement being entered into with the men as an organization there will be no necessity for the wearing of union badges, nor of the disturbing influence of organizers or collectors of dues for the reason that the amount representing the dues of every motorman and conductor would then be paid by the company to the organization."

VOTE—NOVEMBER, 1911.

Application was made September 30, 1911, by the Amalgamated Association of Street and Electric Railway Employees of America (Division 177) for a vote under the conditions as set forth in the cooperative plan. The form of the question and the printed instructions posted for the information of the voters, as well as the lists of men qualified to vote, were approved and accepted by the local and national officers of the Amalgamated Association, and also by the officers of the Keystone Association.

This vote to decide whether the company should deal with the motormen and conductors as individuals, or whether a contract should be made with the Amalgamated Association to represent the men in the carrying out of the cooperative plan was taken at Horticultural Hall, November 2, 1911, under the supervision of nine judges, three of whom were appointed by the Amalgamated Association, three by the Keystone, and three by the association of Philadelphia newspapers.

The result of the vote as certified to the company by the judges was that of the 6,944 men qualified to vote, 4,276 voted in favor of making a contract with the Amalgamated Association, and 2,366 voted in the negative, the affirmative vote being 353 short of the required two-thirds.

Immediately following the taking of this vote a rupture occurred in the Amalgamated Association, the result being that those who had voted in favor of a contract became more or less evenly divided, a portion of the number remaining as members of the Amalgamated Association, while others followed the leadership of Mr. C. O. Pratt.

Out of a total of 7,113 motormen and conductors in the service at that time approximately 4,200 wore buttons signifying that they either held membership in the Amalgamated Association or the Keystone or were followers of Mr. C. O. Pratt. The buttons of each of these three classes seemed about equally numer-

ous, no one faction having a sufficient number to represent 25 per cent of the whole, while those who wore no buttons whatever approximated 60 per cent.

At this juncture Mr. John Mitchell and the Central Labor Union made an attempt to adjust the differences between the Amalgamated Association and the followers of Mr. C. O. Pratt, but this was given up as hopeless, and the committee appointed for that purpose by the Central Labor Union was dissolved.

VOTE—JULY, 1913.

In July, 1913, the motormen and conductors again had opportunity to vote upon the question of organized labor. This vote was also taken at Horticultural Hall under the supervision of nine Judges—three appointed to represent the city, three appointed to represent the public, and three appointed from the cooperative committee.

The vote was upon the question, "Shall the cooperative plan with the men as individuals, as now in force, be continued for another year?"

The result as certified to the company by the Judges was that of the 6,805 men qualified to vote, 4,320 were in favor of continuing the plan with the men as individuals, as against 2,028 votes in the negative.

The contrast between this method of settling the question of labor organization as against other methods is significant in that the question is now determined by the desires of the men themselves, expressed by secret vote.

COOPERATIVE COMMITTEE.

The cooperative plan as published in booklet form in August, 1911, provided that "there will be no grievance committee, but in its stead a cooperative committee composed of a representative motorman or conductor from each division, the superintendent of each division, together with the superintendent of transportation or his representative, representing the management."

At the outset, because of the factional strife among the men, it was thought best to postpone the selection of the cooperative committee in order that the opposing factions might have an opportunity to settle their differences before being called upon to assist in the selection of such a committee. However, in order that some progress might be made the division superintendents were instructed to select a representative motorman and conductor from each depot and this without regard to their factional affiliations.

This committee which was appointed in January, 1912, consisted of a representative motorman and conductor and the division superintendent from each of the 19 depots then being operated. The membership represented every faction among the men, and although this factional feeling was very much in evidence the committee as then constituted brought to the attention of the management and succeeded in remedying many unsatisfactory conditions affecting the service to the public and the welfare of the men.

In April, 1912, each motorman and conductor in the employ of the company was given an opportunity to suggest the name of a motorman or conductor to represent his depot as a member of the cooperative committee. Over 87 per cent of the men so expressed their preference.

While the original plan was to have only one motorman or one conductor representing each depot, it was decided, following this election, that in order to secure the widest representation the cooperative committee would include two representatives from each depot, the candidate receiving the highest vote to be known as committeeman No. 1, and the candidate receiving the second highest vote to be known as committeeman No. 2, thereby affording direct representation not only to the majority at each depot but also to the largest minority.

As a result of this vote over 79 per cent of all the motormen and conductors were directly represented by men of their own selection.

In June, 1913, the plan was adopted of voting for cooperative committeemen by means of a voting machine, whereby each motorman and conductor could designate his choice without revealing his own identity upon the ballot, thus insuring a secret vote. There was also established a vote committee, consisting of three motormen or conductors, members of the cooperative committee, no one of whom shall be a representative of the depot at which the vote is taken. The vote committee counts and certifies to the returns.

To be eligible as cooperative committeeman the candidate must have been in the service for two years or over and assigned to a regular run.

By the present system of holding elections the power of recall is in the hands of the motormen and conductors, in that every 12 to 14 months the

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committeemen must stand for reelection, thus stimulating them to work for the best interests of the men they represent.

With two elections still to be held all of the depots during the past year have elected their cooperative committeemen under this system. This committee, as now constituted, includes 28 motormen and conductors, representing the working force at each of the 14 operating depots. At the election of these men approximately 95 per cent of all of the motormen and conductors have voted, the present members having received nearly 80 per cent of the total votes cast.

THREE YEARS OF PROGRESS.

Improved accommodations to the public.—A condition of chaos with the men dissatisfied and the service disrupted existed in 1910.

The cooperative plan has now been in effect for three years and the results so far obtained speak for themselves.

The cars in which the public are now carried offer a striking contrast with those of 1910, at which time about two-thirds of the cars were small four-wheelers and all of the equipment was in an unpainted, unfit, and insanitary condition. More than three-quarters of the cars operated to-day are of the new near-side type. All are maintained in a safe and sanitary condition; and, because of the cooperative effort between the men and the management, smoking upon the closed cars has been entirely eliminated, while the offensive habit of spitting upon the floor has been reduced to a negligible quantity.

This greater regard for the health and comfort of others applies both to the public, who use the cars, and to the motormen and conductors themselves.

It is now, I believe, generally conceded that the public is receiving a much more adequate service than formerly, and that there has been an equal improvement in the courteous treatment received by the public at the hands of the motormen and conductors.

Reduction in accidents.—Although nearly 20 per cent more passengers are carried to-day than at the time immediately preceding the inauguration of the cooperative plan, the number of accidents occurring has been decreased 25 per cent, and the number of fatal accidents has been decreased over 35 per cent. Expressed in other words, this means that over 20,000 additional passengers are carried to every passenger injured, as is shown by the following:

	Year ended—		
	June 30, 1912	June 30, 1913	June 30, 1914
Passengers carried per passenger injured.....	52,067	71,984	72,747
Car-miles per person injured.....	5,699	7,418	8,418

Increased wages.—There has been accomplished during this three-year period an increase in the maximum wage paid motormen and conductors from 23 cents per hour to 30 cents per hour, a total increase of 7 cents per hour, which is a greater advance in wages than has taken place during the same period in any other city.

The large proportion of the men, amounting to over 47 per cent, who are now receiving the maximum wage of 30 cents per hour, is shown in the following:

Rate of wages, motormen and conductors, 1914, compared with 1911.

	Per cent of total, 1914	Rate of wages.		Per cent wage increase.
		1914	1911	
		Cents.	Cents.	
New men.....	5.42	25	22	13.6
After 1 year's service.....	7.04	26	23	13.0
After 2 year's service.....	10.09	27	23	17.4
After 3 year's service.....	14.34	28	23	21.7
After 4 year's service.....	15.70	29	23	26.1
After 5 year's service.....	47.41	30	23	30.4
Total.....	100.00	1 28.83	1 22.8	1 26.4

COOPERATIVE PLAN OF THE PHILADELPHIA RAPID TRANSIT CO. 2813

Insurance and benefits.—A cooperative beneficial association was established in November, 1912. This association provides sick benefits of \$1 per day for 100 days following the first week's illness and a death benefit of \$150. The entrance fee is 50 cents, with monthly dues of 25 cents.

The company formerly provided meeting rooms, light, heat, janitor service, printing, and stationery for 11 independent sick and death benefit associations having membership among its employees. These associations were found to be too limited in their scope to cover the entire force of employees and a large portion of their membership was composed of ex-employees. The company therefore suggested the formation of one cooperative beneficial association to include the employees of all departments and in lieu of the assistance formerly extended to the independent associations agreed to increase its contribution toward this end by contributing to the new association an amount equal to the entrance fees and dues paid in each month by the men and to bear the expense of the management of the association.

In addition to sick and death benefits this association also offers a cooperative buying plan whereby members are enabled to make a saving of 8 per cent in the purchase of the necessities of life.

Membership in the association is open to all male and female employees of the company between the ages of 18 and 45 years, after they have been in the service for three months.

Of the 10,000 employees in all departments of the company who are eligible, 9,013 are now members. Whether or not employees elect to become members of this organization and enjoy its advantages rests solely with themselves, and all are given to understand that any decision they may make in the matter does not in any way affect their rights or standing with the company.

The benefits paid by this association since its organization are as follows:

99 death benefits.....	\$14, 155. 65
1,859 sick benefits.....	50, 740. 00
Total to May 31, 1914	64, 895. 65

The benefits provided by the cooperative beneficial association are in addition to the general insurance and pension plan, under which \$500 is paid at death to the actual dependents of any employee who has been in the service for two years and earns less than \$200 a month. This plan also provides to employees who, at the age of 65 years, have completed 25 years of continuous service, a pension of \$20 per month for the remainder of their lives.

The benefits and pensions paid since the establishment of this insurance and pension plan in January, 1910, have been as follows:

383 death benefits.....	\$189, 771. 75
96 pensions.....	48, 375. 35
Total to May 31, 1914	238, 147. 10

Uniforms.—By the efforts of the cooperative committee the motormen and conductors are now, it is believed, securing a higher grade of uniform at a lower price than is enjoyed by the employees of any street or steam railroad in the country, and the marked improvement in the general appearance of the men has excited universally favorable comment.

The uniforms are purchased direct from two wholesale houses under contracts approved by the cooperative committee at the following prices:

	Stock, or ready made.	Made to measure.
Without label (nonunion)...	\$11 75	\$12 75
With label (union made)....	12 25	13 25

Discipline.—The basic principle of discipline under the cooperative plan is that the penalty for the infraction of any rule shall be no more severe than is found by experience to be necessary to insure proper service to the public and the maintenance of proper discipline.

One of the first rulings under the new method was that while motormen and conductors must be properly disciplined for incivility, they should not, in any

instance, be required, as formerly, to make personal apology, such practice not being in accord with the established policy.

With the aid of the cooperative committee discipline has now been placed upon the basis of insuring absolute justice and a "square deal" to every man without discrimination.

The old practice of discharging men as a punishment and thereafter reinstating them through the influence of others, irrespective of the merits of their cases, is not now permitted.

The members of the cooperative committee, as the official representative of the men, can and do take up questions of discipline, while every employee has the opportunity of presenting his case to the superintendent of transportation, either in person or through the cooperative committeemen.

Under the cooperative plan discharge is resorted to only as a last resort, the cooperative committeemen being most effective in preventing the discharge of motormen and conductors by advising them to mend their ways and by assisting in presenting all the facts to the superintendent of transportation in order to insure a thorough understanding of the true merits of the case before final action is taken.

The effectiveness of the cooperative method in raising the standard of conduct and attention to duty is demonstrated by the record of complaints from the public made against motormen and conductors. These complaints now average 80 per cent less than three years ago, this being a record of which both the management and the men are justly proud.

Discharges.—The best evidence that the cooperative method of discipline is most effective is found in the decreased number of men discharged as compared with that which obtained prior to the adoption of the cooperative plan:

Total number of motormen and conductors discharged from service during years ended May 31.

1911.....	1,635
1912.....	855
1913.....	536
1914.....	334

Resignations.—That the men as a whole are now satisfied with the cooperative method of discipline and value their jobs as being well "worth while" is demonstrated by the smaller number of men now resigning from the service, the record in this regard being as follows:

Total number of motormen and conductors resigned from service during years ended May 31.

1911.....	1,390
1912.....	913
1913.....	956
1914.....	337

Book of rules.—The book of rules for motormen and conductors contains only such rules as are necessary to the protection of the public and the maintenance of good service. These rules for the guidance of motormen and conductors and the regulations governing their general working conditions were made effective February 15, 1913, and were prepared by the cooperative committee and the operating officials of the company in joint council, this being perhaps the first time in the history of the street railway business that these matters have been agreed upon in joint conference between the men and the management. The book of rules now in force marks distinct progress in this regard.

Hours of service.—Under the cooperative plan the question of hours of service and the make-up of runs or day's work for the motormen and conductors can be left almost entirely to the decision of the men themselves.

The management first determines the number of cars required to adequately serve the public at the different hours of the day. The sum of compensation for the service of the motormen and conductors in operating these cars is determined by the setting aside of 22 cents out of every dollar comprising the gross passenger earnings. If the total car hours required upon the street are divided so that there is the least possible wastage in paying for service not actually performed, then the highest possible wage per hour to the men from the proceeds of the 22 per cent fund has been accomplished.

COOPERATIVE PLAN OF THE PHILADELPHIA RAPID TRANSIT CO. 2815

As the men are therefore equally interested in avoiding any wasting of this fund and in a like manner are interested in the division of the hours of service to best suit their own desires, the actual make-up of the runs and hours of service performed can be and actually is left to the decision of the men themselves.

In other words, the 22 per cent fund is in effect a pot of money out of which the motormen and conductors are paid, and as regards the make-up of runs the company can not therefore gain at the expense of the men.

Upon the recommendation of the cooperative committee the basis for the car schedules is that regular runs shall constitute from 9 to 11 hours of service, all to be completed within a maximum of 14 consecutive hours; thus as against the former practice of spreading runs over 15 or more consecutive hours. Deviation from the foregoing rule is permitted only when the men so request in order to procure runs more to their liking. If the actual time for the run is below nine hours (Sunday time-tables excepted), the man is paid for nine full hours.

One of the great shortcomings of the service to the public which obtained prior to the incoming of the Stotesbury management consisted of the inadequacy of the service during the rush hour. Approximately 50 per cent of the entire number of passengers carried must be taken to or from their homes during the morning and evening rush hours, nearly 100 per cent more cars being required on the street during these hours than in the middle of the day.

The effectiveness of cooperative effort in meeting the requirements as regards the maximum service necessary to properly serve the public is well demonstrated by the fact that during the past three years the total seating capacity provided during the rush hour on all surface lines has been increased 50 per cent.

The results of the cooperative plan may perhaps be summed up in the conclusion that the increased efficiency of management, methods, and men due to cooperative effort works directly to the advantage of the public in improved service and to the men in increased wages and improved working conditions.

PRATT EXHIBIT NO. 2.

Memorandum—List of discharged men, Philadelphia Rapid Transit Co.

Name	Depot	Position.	Years in the service.
Charles Abbott	Second and Third Streets.	Conductor.....	10
Charles Doherty	Germentown	Motorman.....	13
Arthur Devenney	Sixteenth and Jackson.....	Conductor.....	6
Victor Wood	do	Motorman.....	10
Thomas Johnson	Forty-ninth and Woodland	do.....	18
T. J. Brown	do	Conductor.....	7
Joseph Ross	Folsom	Motorman.....	6
B. F. Baker	Willow Grove	Conductor.....	7
Joseph Howell	Folsom	Motorman.....	14
Wm. H. Dodd	Forty-fourth and Jefferson	Conductor.....	15
Joseph Hart	Sixteenth and Jackson	do.....	6
Geo. Capewell	Frankford	Motorman.....	7
J. F. Smith	do	Conductor.....	4
H. Longyard	Sixteenth and Jackson	Motorman.....	14
J. R. Cole	Germentown	Conductor.....	6
A. Koeneman	do	do	9
David Cray	Forty-ninth and Woodland	Motorman.....	13
Wm. Mason	do	do	11
S. M. Reed	do	do	10
Wm. Broadbent	Forty-third and Lancaster	do	12

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KLINE EXHIBIT NO. 2.

CERTIFIED COPY.

PHILADELPHIA, November 2, 1911.

Mr. T. E. MITTEN,

*Chairman Executive Committee of the
Board of Directors of the Philadelphia Rapid Transit Co.:*

The undersigned judges appointed to conduct an election under the Mitten plan of August, 1911, upon the question:

"Shall the Amalgamated Association of Street and Electric Railway Employees of America, Division No. 477, make a contract with the Philadelphia Rapid Transit Co. upon the basis of the Mitten plan as published in book form and dated August, 1911?"

report that there were certified to the judges the names of 6,944 men—motor-men, conductors, and trainmen—qualified to vote upon the said question.

That 4,276 votes were cast in the affirmative and 2,366 votes were cast in the negative.

There were 16 defective ballots not counted.

(Signed)

C. O. PRATT,

Judge Appointed by Amalgamated Association.

WILLIAM J. WILSON,

Judge Appointed by Keystone Association

RICHARD WATERMAN,

Judge Appointed by Association of Newspapers.

KLINE EXHIBIT NO. 4.

CERTIFIED COPY.

PHILADELPHIA, July 8, 1913.

Mr. T. E. MITTEN,

*Chairman Executive Committee of the
Board of Directors of the Philadelphia Rapid Transit Co.:*

The undersigned judges appointed to conduct an election under the Mitten plan of August, 1911, as set forth in Cooperative Bulletin No. 19, of July 1, 1913, upon the question:

"Shall the cooperative plan with the men as individuals, as now in force, be continued for another year?"

report that there were certified to the judges the names of 6,805 men—motor-men, conductors, and trainmen—qualified to vote upon the said question.

That 4,320 votes were cast in the affirmative and 2,028 votes were cast in the negative.

There were 7 defective ballots not counted.

(Signed)

MARTIN H. RAY,

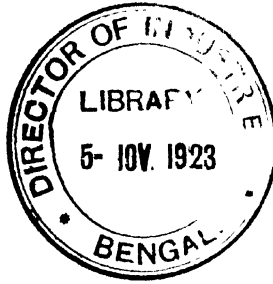
Judge Appointed to Represent the City

RICHARD WATERMAN,

Judge Appointed to Represent the Public.

MICHAEL F. HUGHES,

Judge Appointed from Cooperative Committee.



THE METAL TRADES OF PHILADELPHIA

(For exhibits under this subject, see pages 2923 to 2927.)

COMMISSION ON INDUSTRIAL RELATIONS.

PHILADELPHIA, June 24, 1914.

Present: Commissioners Weinstock (acting chairman), Lennon, O'Connell, and Delano. E. H. Busiek, special counsel.

TESTIMONY OF MR. ALBA B. JOHNSON.

MR. BUSIEK. Mr. Johnson, for the purposes of the record, will you please state your name and your position?

MR. JOHNSON. My name is Alba B. Johnson. My position is president of the Baldwin Locomotive Works.

MR. BUSIEK. The particular phase of the inquiry upon which the commission is now entering, Mr. Johnson, is the metal trades in Philadelphia. Approximately how many men engaged in the metal trades in Philadelphia are employed by the Baldwin Locomotive Works?

MR. JOHNSON. Do you mean under psychological business conditions or under normal business conditions?

MR. BUSIEK. Let us have it under both.

MR. JOHNSON. Under normal business conditions we employ from 17,500 to 19,500 men. At the present time we have about 8,200 men.

MR. BUSIEK. Roughly speaking, or if you have the statistics there, how are they divided into machinists, molders, and so forth?

MR. JOHNSON. I haven't that information.

MR. BUSIEK. Have you any idea that you could give us?

MR. JOHNSON. I have not prepared myself with that information.

MR. BUSIEK. What are the hours of labor in your plant?

MR. JOHNSON. The normal hours of labor are 55 hours for day men and 65 hours for night men. We operate two shifts, the day men operating 10 hours 5 days a week and 5 hours on Saturday, the night men operating 13 hours per night. At the present time we are operating 40 hours per week.

MR. BUSIEK. For day and night men both?

MR. JOHNSON. Well, 39 hours for night. Forty hours for day men and 39 hours for night men.

MR. BUSIEK. What are the wages per hour for molders?

MR. JOHNSON. I can't answer.

MR. BUSIEK. Is it because of your unfamiliarity with it, or because they vary, Mr. Johnson?

MR. JOHNSON. As president of the concern, my duties are occupied with the general administration, and I am not brought very much into contact with the detail matters of wages.

MR. BUSIEK. You don't know then how the wages compare to-day with the wages of 10 years ago, for instance?

MR. JOHNSON. I know in a general way that the wages to-day are about 25 per cent higher than the wages 10 years ago.

MR. BUSIEK. Could you give us any idea of the average age and nationality of the employees in your plant?

MR. JOHNSON. The average age is estimated at 26 years. There is no means of knowing it, because no records are kept, and it is a pure guess, but they guessed in response to the question which was sent to me, and that guess has been made as 26 years.

As to the nationality of the men I have very accurate statistics which were made within the last year. At this particular time we were employing 16,211 men—Americans, 8,020; Irish, 2,345; Polanders, 1,418; Russians, 1,215; Germans, 972; Austrians, 753; Italians, 693; English, 299; Scotch 127; Swedes, 57; Lithuanians, 44; Greeks, 32; French, 29; Canadians, 24; Danes, 21; Swiss, 21; Norwegians, 18; Roumanians, 17; Cubans, 15; Slavs, 12; Turks, 11; Welsh,

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9; Hollanders, 7; Mexicans, 6; Spaniards, 6; Armenians, 5; Bohemians, 5; Porto Ricans, 4; Australians, 3; Brazilians, 3; Chinese, 3; Colombians, 3; East Indians, 3; Persians, 3; Finns, 2; and Chileans, Montenegrins, Nicaraguans, Syrians, Venezuelans, and Palestinians, each 1.

Commissioner LENNON. There is some confusion of tongues there, is there not?

Mr. JOHNSON. We have a great variety.

Mr. BUSIEK. Have you any statistics showing the continuity of labor or how long the men work in the plant?

Mr. JOHNSON. Well, I might say that we do not discharge for old age. We never discharge men on account of superannuation. We have one man who has been in our employ upwards of 65 years and who is still active. They range from that down.

Mr. BUSIEK. But with a concern that employed 16,000 men a year ago and 8,000 now, there seems to be quite a fluctuation of labor.

Mr. JOHNSON. Necessarily.

Mr. BUSIEK. Is that in the skilled classes or in all classes?

Mr. JOHNSON. It is in all classes.

Mr. BUSIEK. Mr. Johnson, in answer to the question in the list that was sent you as to wages per day and week, did you have any statistics prepared?

Mr. JOHNSON. Well, I have the average wages paid per man throughout the establishment.

Mr. BUSIEK. Have you those by classes?

Mr. JOHNSON. No. The average for all employees, beginning with 1900 and coming down to the present time; but I am afraid those would be of little value for your purposes, because they would vary with the volume of business. For instance, at the present time, when the men are making 40 hours a week, the average rate is very low. Whereas if the men were making 55 or 60 hours a week, the rate would be correspondingly higher, but I have no figures—

Mr. BUSIEK. (interrupting). Well, will you give us those figures that you have, the average wage per man, since 1900?

Mr. JOHNSON. In 1900, \$12.32—

Mr. BUSIEK. Per week?

Mr. JOHNSON. Per week. In 1901—

Acting Chairman WEINSTOCK. Just a moment, Mr. Johnson. Are you speaking now of average wages or average earnings?

Mr. JOHNSON. I am speaking of the total pay roll, divided by the number of men.

Acting Chairman WEINSTOCK. I see. Then those are really earnings?

Mr. JOHNSON. Really earnings.

Acting Chairman WEINSTOCK. Rather than wages?

Mr. JOHNSON. Yes. It is not wages, but actually the money paid out.

Acting Chairman WEINSTOCK. You understand there is a distinction between wages and earnings?

Mr. JOHNSON. Yes; I understand. The nominal rate has nothing to do with it. In 1900, \$12.32; 1901, \$12.22; 1902, \$12.16; 1903, \$12.42; 1904, \$11.97; 1905, \$13.03; 1906, \$12.91; 1907, \$13.03; 1908—which was the year of the panic—\$19.30; 1909, \$13.52; 1910, \$13.91; 1911, \$14; 1912, \$14.37; 1913, \$14.86.

Acting Chairman WEINSTOCK. What was it in 1903?

Mr. JOHNSON. In 1903 it was \$12.42. I might say that 1903 was a year—half of good business and half of bad business.

Acting Chairman WEINSTOCK. That shows an increase of 20 per cent in 10 years?

Mr. JOHNSON. Yes.

Acting Chairman WEINSTOCK. You thought it was 25, didn't you, Mr. Johnson?

Mr. JOHNSON. Well, taking rates as paid to individual classes, it would run from 22 to 25. This has to be borne in mind, in considering this question—that is, that with the increase in machinery and facilities, there is constantly a higher grade of men employed and fewer common laborers.

Mr. BUSIEK. Have you an employment bureau for the employment of men for the plant, or are they employed by the foremen for their respective departments?

Mr. JOHNSON. They are employed by the employment bureau.

Mr. BUSIEK. And this employment bureau, does that work in conjunction with other large employers of labor?

Mr. JOHNSON. No; we never affiliate with any other employers of labor for any purpose whatever.

Mr. BUSIEK. Do you exchange any information in regard to employees or discharges?

Mr. JOHNSON. None whatever.

Mr. BUSIEK. In whom does the power of discharge vest?

Mr. JOHNSON. In the foremen.

Mr. BUSIEK. In the foremen of the respective departments?

Mr. JOHNSON. Yes, sir.

Mr. BUSIEK. Is there any appeal from his judgment?

Mr. JOHNSON. Oh, yes. The workman can appeal to the general superintendent, and if he does not—if he is not satisfied with his decision, then to the vice president or to the president.

Mr. BUSIEK. Do any of them ever get up that far?

Mr. JOHNSON. Yes; frequently.

Mr. BUSIEK. Frequently. Are there any organizations of labor represented in your shop?

Mr. JOHNSON. Well, we have reason to believe that a very large number of our men belong to labor organizations.

Mr. BUSIEK. Do you deal with the organizations as such?

Mr. JOHNSON. We do not.

Mr. BUSIEK. Have you ever?

Mr. JOHNSON. We have never done so.

Mr. BUSIEK. Do you have a premium or bonus system?

Mr. JOHNSON. We have not. We do not believe in it.

Mr. BUSIEK. Have you any efficiency system?

Mr. JOHNSON. We have not, and do not believe in them. The best efficiency is to encourage men to make high wages.

Acting Chairman WEINSTOCK. I did not catch that, Mr. Johnson.

Mr. JOHNSON. I say the best efficiency is to encourage the men to make the maximum wages they can make.

Mr. BUSIEK. How do you go about that?

Mr. JOHNSON. Well, suppose, for instance, a particular tool can be—its efficiency can be increased by giving a man a helper. If we are laboring under very great pressure we would do that without taking it out of his wages. That is not, however—it is only in time of maximum demand.

Mr. BUSIEK. You said that you would encourage them to increase their wages. If you would give him a helper—

Mr. JOHNSON. (interrupting). I say, that is a helper. I should not mention that; as a rule, that is not done only where we are short in a particular department and want to get out, say, 110 per cent out of that particular department.

Mr. BUSIEK. Have you any school for the instruction or teaching of men how to improve themselves in their work?

Mr. JOHNSON. We are constantly taking learners in all departments.

Mr. BUSIEK. And they are being taught by—

Mr. JOHNSON. (interrupting). They are assigned to the different contractors and different foremen and are being instructed.

Mr. BUSIEK. Have you any rule as to the number of apprentices that may go into any particular shop?

Mr. JOHNSON. Well, it controls itself automatically; our contract system is such that the contractors—the earnings from a particular contract would be affected if too many learners were loaded onto the contract; and therefore we have to bear in mind the preferences of the contractor for a particular class of work.

Mr. BUSIEK. Speaking of the contractors, who are they?

Mr. JOHNSON. Our work is organized, both upon the collective and the individual system. It is piecework—as largely as possible it is piecework. There are some men who are not capable of handling their own piecework accounts, and who can work better, with more quiet of mind and more efficiency, if they are not burdened with questions of keeping their time, making up accounts, etc. Then, there are other men—

Mr. BUSIEK. (interrupting). I beg pardon. Are those skilled workers of high intelligence?

Mr. JOHNSON. They may be the very highest skilled workers. But it is a question of the temperament of the man. Some men will lie awake of nights and almost go to pieces with nervous prostration if they have to make up a list of work costs, because they are not clerks. They are highly skilled men in their

prior to the day the injury was received, but in no case shall the amount so paid exceed \$3,000, such beneficiary signing a release.

Mr. BUSIEK. This is paid out of the money that they themselves paid in, is that the idea?

Mr. JOHNSON. No; they receive the entire amount they pay in, and they make no contribution whatever. This is paid wholly out of the company's resources.

Mr. BUSIEK. And the money they pay in is—

Mr. JOHNSON (interrupting). Paid back to them.

Mr. BUSIEK. In addition?

Mr. JOHNSON. In whole, yes.

Commissioner LENNON. The widow, then, could draw the savings?

Mr. JOHNSON. Draws the entire savings. We don't call upon the employees to pay a single penny toward the expense of conducting this association.

Mr. BUSIEK. When a man is injured, working for an independent contractor in the plant, what is the attitude?

Mr. JOHNSON. It makes no difference. Every man who is on the pay roll, who joins the employees' beneficial association, is entitled to the benefits thereof.

Mr. BUSIEK. These men that work for the contractors, in the firm, if they should go to court and bring suit on a claim, is the defense by the company that they were working for a contractor and not for the Baldwin Locomotive Works?

Mr. JOHNSON. They are all employees of the Baldwin Locomotive Works; there is no distinction whatever.

Mr. BUSIEK. Does every man that belongs to this beneficial association have to deposit a certain amount of his wages?

Mr. JOHNSON. That is the condition of membership. That is the one condition of membership.

Mr. BUSIEK. Is there a minimum amount?

Mr. JOHNSON. There is no minimum. I might say that 10 cents a week, I think, is the minimum, but it is merely nominal.

Mr. BUSIEK. Who administers this fund?

Mr. JOHNSON. By the company.

Mr. BUSIEK. It is administered by the company?

Mr. JOHNSON. Yes; that is to say—you mean the deposits?

Mr. BUSIEK. The savings fund?

Mr. JOHNSON. The relationship there is the same as journeyman to his employer, who hands his savings to his employer to hold for him. It is not payable by check, but it is simply payable upon personal demand.

Mr. BUSIEK. It is payable upon immediate demand in full?

Mr. JOHNSON. Payable upon—well, not immediate demand. There is a qualification in regard to that. I will deposit this whole statement of the savings fund so that you can read it.

Mr. BUSIEK. I wish you would.

(Received and marked "Johnson Exhibit No. 1, June 24, 1914." The exhibit was submitted in printed form.)

Mr. JOHNSON. Here is the clause in regard to withdrawals:

"All or any part of such wages deposited to the credit of the employee may be withdrawn by him with interest at 3.65 per cent, and the man, without notice and on presentation of his deposit book and the signing of a receipt for the same, under any of the following circumstances, to be certified to by his foreman and the general superintendent:

"When a depositor leaves the employ of the company, or is discharged, or is laid off on account of no work.

"When a doctor in good standing certifies to the illness of the depositor or a dependent member of the depositor's family.

"When such deposits may amount to \$100, they can be transferred to the general savings-fund department and receive interest at the rate of 4 per cent per annum.

"When the company elects to close the deposit account."

Commissioner LENNON. Suppose a man was reported sick and because of that report was allowed to draw \$50 that he had on deposit and became ready to go to work again in, say, a couple of weeks. Would he immediately become beneficial again, or would he have to make another deposit before he would be eligible?

Mr. JOHNSON. If he is a member of it, he is a member for all time.

Commissioner LENNON. Even though he had drawn out the deposit.

Mr. JOHNSON. Oh, yes.

Commissioner LENNON. You told us 16,000 men, approximately, in round numbers, you had something over a year ago and 8,000 now, indicating that approximately 50 per cent had been dropped from employment. Was any attention paid to the priority of the men—that is, to length of service? Were the new men dropped, or what was the result?

Mr. JOHNSON. We generally give priority first to members of the employees' beneficial association, according to their seniority in the service.

Commissioner LENNON. And that would mean, as a general proposition, that the older men would be retained, as a general proposition?

Mr. JOHNSON. As a general proposition; yes.

Commissioner LENNON. I could see where there might occasionally be an exception to that, but that is practically the rule?

Mr. JOHNSON. That is practically the rule.

Commissioner LENNON. Do the contractors who take a certain part of the work to turn out with the people that are under them—do they fix the hourly wage of the people working for them or does the company fix it?

Mr. JOHNSON. The foreman fixes it.

Commissioner LENNON. That means the company fixes it?

Mr. JOHNSON. Yes.

Commissioner LENNON. Practically means the same thing?

Mr. JOHNSON. Yes.

Commissioner LENNON. And when the contract is completed the company, as I understood you, allows for the contract what the work would come to by piecework?

Mr. JOHNSON. That is right.

Commissioner LENNON. And if the contractor has not drawn on an hourly basis an amount equal to the piece rate, there is something coming to him, whatever it may be?

Mr. JOHNSON. Yes.

Commissioner LENNON. Now, doesn't the company have anything to do with saying what portion of this the contractor shall retain and what portion of it shall go to the people who work under him?

Mr. JOHNSON. That is fixed by the contractor in agreement with his men, subject to the approval of the foreman.

Commissioner LENNON. Well, what limitations would the foreman, if you know, put upon such an agreement? Would the contractor, if he employed 50 people, working under him—would he be allowed to keep half and simply distribute the other half to the people working under him? Would that be permitted?

Mr. JOHNSON. I don't think that we could stay in business if anything of that sort were done.

Commissioner LENNON. Well, is there some way—

Mr. JOHNSON (interrupting). We are in competition.

Commissioner LENNON. Yes.

Mr. JOHNSON. We are in a desperate competition all the time, a competition to the very extreme; and if contractors could make half, with that competition we would never be heard of again.

Commissioner LENNON. Well, is there, so far as you know, a limitation as to the division of this surplus between the contractor and the men associated with him?

Mr. JOHNSON. Is there a division?

Commissioner LENNON. Is there a limitation to the division?

Mr. JOHNSON. How much the contractor can make? Oh, yes.

Commissioner LENNON. There is?

Mr. JOHNSON. Oh, yes. Because the wages of the contractors—that is, the earnings of the contractors—are watched all the time. When those earnings go too high it is always taken up.

Commissioner LENNON. Well, supposing a contract—supposing you paid—of course, I can't guess at the proper sum—but suppose on the hourly basis you paid during the working out of a contract \$10,000 and when the matter was figured up on the piece scale it came to \$12,000, evidently the contractor would be entitled to \$2,000 more money?

Mr. JOHNSON. Exactly.

Commissioner LENNON. Now, could the contractor take a thousand and divide the other thousand between his help, or could he take \$100 and divide \$1,900, or what kind of division?

Mr. JOHNSON. I can not answer that.

Commissioner LENNON. You don't know just what that division is?

Mr. JOHNSON. No; I don't know it intimately enough; but I will say this, that the earnings which a contractor can make are dependent upon his skill in comparison with other men doing that work.

Commissioner LENNON. Doing piecework?

Mr. JOHNSON. Yes. Suppose, for instance, that a contractor's weekly rate was \$20 and that at the end of a month he made \$100 extra, over and above his \$80. Suppose at the end of the month the contractor had \$180. Now, if another man could get anywhere near that by skill and diligence, that man is entitled to his \$100 because of his preeminent capacity, and it would not be touched; but if we could get plenty of other contractors to take it and do it at a smaller rate, then we would readjust it. In other words, it is to our advantage to have as many men of preeminent skill as we can have, and they are worth fighting for, and if we could get 20 times as many as we have, we would be glad to do it.

Commissioner LENNON. Well, then, the contractor, the finality of what he gets out of the contract is, in a measure, dependent upon what the same class of men as the contractor can make as pieceworkers? In a measure, that is true?

Mr. JOHNSON. Yes.

Commissioner LENNON. Not absolutely; but nearly so?

Mr. JOHNSON. We look at it this way: Suppose that man got \$100 extra at the end of a month; suppose we could not find any other man that could come out whole on that contract; that he could not get through at all, but would be in debt; that man is clearly entitled to his \$100 and it would be folly for us to touch him.

Commissioner LENNON. Well, suppose when the contract is completed you have paid more money than he would get out of piecework, does the contractor have to make good the difference or the men working under him, or both combined?

Mr. JOHNSON. Both combined.

Commissioner LENNON. Both combined have to make good?

Mr. JOHNSON. Yes; unless we concluded that the contract legitimately cost more.

Commissioner LENNON. You then have a readjustment?

Mr. JOHNSON. Whatever we ought to have paid; then we make a readjustment. Sometimes we all make a mistake in determining upon the basis of work.

Commissioner LENNON. The law creating this commission gave, as one of the duties of this commission to ascertain, if we can, the underlying causes of industrial unrest. What have you to say as to that from your experience, what are the underlying causes of industrial unrest that make themselves manifest in industry?

Mr. JOHNSON. Well, I think that it is a universal craze to get rich quick. I think it is because too large a proportion of people have been led to live beyond their means, and the old-fashioned ideas of honesty and thrift justifying promotion are not as common as they ought to be.

Commissioner LENNON. Then, as a remedy you would favor a return in sense to the old-time methods of personal education of people as to how to take care of themselves in their surroundings. What would be the remedy for such condition of affairs?

Mr. JOHNSON. If we could only inculcate in the minds of men and boys the fact that the legitimate opportunities for advancement are greater to-day than they have ever been before in the history of the world, and that the unrest comes from a desire for premature and illegitimate advancement—

Commissioner LENNON (interrupting). Do you believe that any considerable cause of industrial unrest comes from inefficiency?

Mr. JOHNSON. Unquestionably. I think the more inefficiency there is, the greater dissatisfaction, unrest, discontent, envy.

Commissioner LENNON. Well, do you believe there is any way that organized society can help to remove this degree of inefficiency, perhaps through educational systems or a return to apprenticeship or the multiplication of opportunities of boys and girls when they come into industry to learn to do more than

just one specific thing? Can any of those things be used, or any other that you can suggest?

Mr. JOHNSON. Well, our own experiment with the apprenticeship system was exceedingly discouraging.

Commissioner LENNON. Well, was your system—excuse me for asking, perhaps, some questions that seem out of the way, but was it the real apprenticeship system in the sense that we older men know something about, at any rate, where a boy going into the shop, when he was through the apprenticeship system was a machinist, or a molder, or a blacksmith, not simply an operator of some particular machine or some part of the trade?

Mr. JOHNSON. Oh, these men were all-around men when they came out.

Commissioner LENNON. They were?

Mr. JOHNSON. Yes.

Commissioner LENNON. You mean your apprenticeship system qualified the men as all-around mechanics?

Mr. JOHNSON. Yes; our system was formed for the purpose of creating leading men.

Commissioner LENNON. Well, as you deal with the boys now, what is the policy pursued? Are they taught—are they given the opportunities still?

Mr. JOHNSON. We believe that our relations with the boys are more helpful and effective dealing with them as individuals rather than as with a class known as apprentices.

Commissioner LENNON. And they still go through the routine of the trade?

Mr. JOHNSON. Yes.

Commissioner LENNON. Through all different departments until finished?

Mr. JOHNSON. Yes. Suppose a boy comes and says he wants to be a boiler maker.

Commissioner LENNON. Yes.

Mr. JOHNSON. He is given a variety of occupations, but finally winding up there. Suppose he wants to become anything you please—a traveling engineer, or anything of that sort. He is given enough employment in the various departments of the work for him to have a general idea of the class of work that is done in that employment, and then he is finally brought to the place of his selection and is thoroughly drilled there, so that he is turned out a competent man. The whole purpose of the apprenticeship system is to create a class of men from whom we can obtain thoroughly educated foremen and leading workmen.

Commissioner LENNON. And do the wages paid in your works average with the wages paid for similar work in the city of Philadelphia?

Mr. JOHNSON. I think the wages paid in our works average probably slightly higher. We have to hold our men against all the competition there is. We have to hold our men also against the competition of other locomotive builders, who are always coming to Philadelphia to try and pick up men whenever they need them. The railroad shops all over the country come to Philadelphia to secure skilled workers.

Commissioner LENNON. What proportion of your employees take part in the savings fund and become members of the beneficiary society?

Mr. JOHNSON. Well, it depends largely upon the condition of the business. When business is as slack as it is now, nearly all of our men—practically all of them—are members of it; but when we expand, suppose there should be a large volume, a large demand for locomotives, so that we would have to employ a very large number of men and have them trying out to see whether they would suit our work, then the proportion of men belonging to the association would be smaller.

Acting Chairman WEINSTOCK. I find, Mr. Johnson, quite a conflict between your point of view and the point of view expressed before the commission here last Monday morning by Prof. Nearing on this point. You take the ground that the number of skilled men required in industry is growing larger and the number of unskilled men required is growing smaller—that is, there are wider opportunities to-day for skilled men than in the past. Prof. Nearing, in his testimony, made this statement, which, for your information, I would like to read, and I would like to get your point of view on it. If there are weak spots in this statement, I want you to point them out. He said:

"I believe the changes which have been wrought in the last 40 years are portentous in two respects. In the first place, we have organized industry in such a way that there is no longer room at the top. We have organized industry in such a way that you need enormous masses at the bottom for

unskilled, but very few men in control—for instance, the railroad industry. There you have one general officer for 300 employees. It is the most highly organized industry in the country. We have practically cut off a man's opportunity for rising. He is born a wage earner and has to stay a wage earner. We have developed a system of mechanics where we have a machine to do the work, the man to watch the machine, and more and more we are bringing the people to watch the machine, and more and more we are getting out of the skilled-craft trades.

"Of course, the employer says, 'Well, those fellows are only worth a dollar and a half who watch machines.'

"That may be; but you are calling on a larger and larger number of people who do nothing but watch machines."

Now, the professor gave this as the result of seemingly exhaustive inquiry and careful study, but at best gives this as the result of his academic training and we would like to get your opinion on that point as a practical man.

Mr. JOHNSON. No one but a man who is at the top of large industries can conceive of the anxiety which those in charge of large interests have to find men upon whom they can place responsibilities. I know of half a dozen places to day which would be glad to pay \$10,000 apiece for men capable of carrying the responsibilities which they involve. And I do not say that offhand. It is an actual fact. I know that when I have had important places to fill in the various corporations, for the management of which I have responsibility, many a time I have walked up and down the office with my associates weighing the capacity of this man and that man, trying to decide whether it is safe to intrust responsibility to him. I think that that is the answer to Prof. Nearing's statement.

The men who are able to do administrative work have no difficulty about getting the promotions. The difficulty is on the part of the employer to find men whom it is possible for him to promote. I have often said to our young men that it is much more important to the Baldwin Locomotive Works to promote you than it is for you to get the promotion, because it is only an individual advantage to you, but it is of interest to every man connected with the Baldwin Locomotive Works, and every stockholder, that you are able to do it work. And that is universally true.

Acting Chairman WEINSTOCK. Well, I think, Mr. Johnson, from my personal experience as an employer, that you are quite right to the degree that it is harder to find men who are worth \$10,000 a year than to find men who are worth \$1,000 a year. But the point at issue is this:

Is it or is it not a fact, as the professor tried to point out here, that the \$1 a day man, for example, is being replaced by the \$3 a day man, and the \$3 a day man by the \$1.50 a day man, by virtue of labor-saving devices?

Mr. JOHNSON. It is not true.

Acting Chairman WEINSTOCK. It is not true?

Mr. JOHNSON. It is not true.

Acting Chairman WEINSTOCK. Now, what facts or testimony could you offer this commission to show that it is not true beyond your opinion?

Mr. JOHNSON. I will present the testimony of one of my associates, who is in daily contact with the men.

Acting Chairman WEINSTOCK. Would this not demonstrate it, Mr. Johnson, if you care to go to the trouble for the benefit of the commission by giving them the information, if you could submit a statement showing the number of people employed in your shop, say, 10 years ago, at the different wage rates and a corresponding statement of the number employed, say, now, then we could tell the proportion of the \$5 men to the \$3 men and \$2 men, whether they had increased or diminished?

Mr. JOHNSON. Well, it would be almost impossible to prepare such a statement from the figures, but I know, and my associate, Vauclain, the vice president, who is in charge of the works, and our general superintendent, Mr. Sykes, who has immediate charge of the mechanical operation, we know we have more \$5 and \$6 a day men to-day in proportion than we ever had before.

Acting Chairman WEINSTOCK. Does your firm have a statistical department?

Mr. JOHNSON. No, we have no statistical department, only the ordinary accounting department of commercial costs, and the department of manufacturing costs.

Acting Chairman WEINSTOCK. If that could be verified so as to be made part of our records, it would be extremely valuable, showing whether the higher priced men, the skilled men, in proportion, are increasing or decreasing.

Mr. JOHNSON. I will try and prepare such figures, if you will give me a little time.

Acting Chairman WEINSTOCK. We will give you whatever time you require. We will appreciate it very much, because what we want are facts rather than opinions or theories.

Acting Chairman WEINSTOCK. You made the statement, also, that you don't believe in the so-called efficiency system? This commission has devoted a great deal of time to investigating this question of scientific management, and yet, as a practical man, you doubtless have investigated the alleged efficiency systems and can further be of service to us if you will point out why, in your judgment, the efficiency systems have no merit?

Mr. JOHNSON. The general principle underlying manufacturing, or the conduct of any business, is this: The workman is the prime producer. His labor is what we call remunerative labor, because it is the labor which we sell and buy.

Acting Chairman WEINSTOCK. That is the live labor?

Mr. JOHNSON. The live labor. Now, every unit of remunerative labor has to carry a proportion of unremunerative labor.

Acting Chairman WEINSTOCK. Overhead?

Mr. JOHNSON. Overhead cost. The essence of successful management, in my opinion, is to keep down the overhead or the unremunerative labor, and to keep to a maximum the remunerative labor. Now, for instance, in the Baldwin Locomotive Works, we have no time clock. Every man is free to go to his work right through the gates, up to the time his labor begins, at 7 o'clock in the morning. We don't check him off, we don't make him take a ticket or anything of that sort, and it is only the lates who are noted; and the same is true of those who leave early. Every process of accounting must be kept to the maximum simplicity, and the difficulty upon which many manufacturers wreck themselves is the belief that certain information is essential to them, which really is not essential. Every premium system and every efficiency system that I know of involves a large number of nonproducers, and the question is whether, by reason of those nonproducers, you can so spur the men on to increased production as not only to pay the cost of their maintenance but in addition thereto increase the produce of labor over and above the additional load that you have put on his back.

Acting Chairman WEINSTOCK. In other words, as I take it, your point is that these scientific management systems involve an added burden in the way of an overhead cost?

Mr. JOHNSON. Yes; involve a tremendous burden in the way of additional clerical work, in additional watchers, experimenters, teachers, and demonstrators, whatever you choose to call them.

Acting Chairman WEINSTOCK. What you would call dead help?

Mr. JOHNSON. Dead help. And, in my opinion, that burden becomes intolerable to the workingman, and it also becomes intolerable to the employer.

Acting Chairman WEINSTOCK. Well, in the face of that condition how will we explain this: There has been presented to this commission, by the commanding officers of the United States arsenals, authenticated Government reports showing that at the arsenals in Watertown, I think it is, by the introduction of scientific management the Government has saved at the rate of, and if my figures are wrong my associates will correct me—I am speaking only from memory now—that the Government is saved annually about \$100,000 in material, about \$100,000 in labor costs, and that the workers who operated under the bonus system, which was a part of scientific management, had increased their earning power 30 per cent, despite this increased overhead.

Mr. JOHNSON. Well, I think that that reflects very badly upon the management before it was introduced, and I don't think that it is conclusive as to what might be done under private management, under efficient private management.

Acting Chairman WEINSTOCK. You probably have seen the published books of Mr. Taylor and Mr. Emerson, where they give actual figures in certain plants showing the remarkable increase, or rather the remarkable saving in labor cost, and the remarkable increase in the earning power of the men, without taking it out of the hide of the men physically, without increased physical effort on the part of the men, simply by a more scientific way of doing their work. Now, you do not accept, I take it, their statements?

Mr. JOHNSON. Well, I think that what I have said covers it. I don't want to criticize those gentlemen. I don't want to say anything at variance with them,

but what I have said, that you wait, first of all, to inspire the man with the greatest incentive of manliness. Now, that may be indefinite.

Acting Chairman WEINSTOCK. In explaining this contract system, Mr. Johnson, that is in operation in your plant, you say bids are invited from internal contractors?

Mr. JOHNSON. No bids are invited.

Acting Chairman WEINSTOCK. No bids are invited?

Mr. JOHNSON. No.

Acting Chairman WEINSTOCK. I see. The price is determined by the piecework rate.

Mr. JOHNSON. We have a scale of prices for certain units which we apply to particular work.

Acting Chairman WEINSTOCK. How do you determine which contractor shall tackle that job?

Mr. JOHNSON. There is no competition between contractors practically—we have so many varieties of work.

Acting Chairman WEINSTOCK. Well, is the job let to any contractor?

Mr. JOHNSON. Why, you take a locomotive. I don't know how many contracts there may be, but say there are 250 contracts which may go to make up the construction of a locomotive, and every one of those contractors gets his part.

Acting Chairman WEINSTOCK. I see; they are all specialists?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. I see; you have just one man who looks after a certain part of the work?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. And how does he pick out his own staff of assistants?

Mr. JOHNSON. He has his organized staff which is permanent.

Acting Chairman WEINSTOCK. Now, you give him credit for that work at particular prices?

Mr. JOHNSON. In effect, he is a small proprietor.

Acting Chairman WEINSTOCK. Yes; and you give him credit for that work at the piecework rate, and he pays his men at the hourly rate, and then there is a division of the surplus?

Mr. JOHNSON. That surplus is divided.

Acting Chairman WEINSTOCK. Goes to him and them?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. Now, does that system in a measure correspond to the system in operation for many years in the clothing trade where the owner of a factory would let out a lot of work to a contractor, and that contractor would hire his workers and pay them so much per day?

Mr. JOHNSON. No; not at all; there is no comparison.

Acting Chairman WEINSTOCK. Where do the two systems differentiate?

Mr. JOHNSON. For the reason that we employ the men and pay the men. The contractor has no power to employ men outside, except by recommending them to the employment board.

Acting Chairman WEINSTOCK. The end in view, I take it, of initiating this system is to get the highest efficiency.

Mr. JOHNSON. It is an increased measure of supervision and to get more minds devoted to turning out a quantity of work—higher quantity and higher quality.

Acting Chairman WEINSTOCK. Now, if these men working under that system give forth their best that increases their earning power?

Mr. JOHNSON. Yes.

Acting Chairman WEINSTOCK. If they give forth their least that naturally decreases their possible earning power?

Mr. JOHNSON. By their tax they fall into debt.

Acting Chairman WEINSTOCK. They are taxed for the shortage?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. You think, then, under this system—that is the objections that have been raised to the clothing system—

Mr. JOHNSON (interrupting). There is nothing of the sweatshop about this.

Acting Chairman WEINSTOCK. The objection raised to that clothing system is that these special contractors become sweaters?

Mr. JOHNSON. Nothing of the sweating process about this at all, because these men are all sure of their average rate; and it is the province of the contractor to use their work to better advantage.

Acting Chairman WEINSTOCK. How is overtime dealt with in your enterprise?

Mr. JOHNSON. We pay time and half time.

Acting Chairman WEINSTOCK. Would you feel just at liberty, Mr. Johnson—you need not answer if you do not care to—to explain why there has been such an abnormal drop in the number of workers employed by your works between last year and this?

Mr. JOHNSON. Oh, it is entirely the rate question. Well, I won't say entirely, but largely the question before the Interstate Commerce Commission.

Acting Chairman WEINSTOCK. I see.

Mr. JOHNSON. Every railway equipment concern, all the railway supply businesses, car builders, and all are sharing the condition.

Acting Chairman WEINSTOCK. I see; it is a common condition.

Mr. JOHNSON. It is a common condition not confined to our works alone but due to the delay in deciding the rate question.

Acting Chairman WEINSTOCK. On the matter of apprentices how do you determine the number of apprentices that shall be employed in proportion to the journeymen that you employ, or is there any standard at all?

Mr. JOHNSON. There is no standard. We have one man entitled superintendent of apprentices, who is in correspondence with young men graduating from colleges and to whom every boy making application to learn a trade is referred. This man studies the case with a particular boy—studies what he wants to make of him.

Acting Chairman WEINSTOCK. I have not in mind the fact of how you employ your apprentices, but what number you employ; whether you have a standard of one apprentice to five men or to six men or seven men, and so on.

Mr. JOHNSON. There is no standard.

Acting Chairman WEINSTOCK. There is no standard?

Mr. JOHNSON. No, sir.

Acting Chairman WEINSTOCK. Organized labor, though, has a standard?

Mr. JOHNSON. I have been told so, but I don't know.

Acting Chairman WEINSTOCK. But you have none?

Mr. JOHNSON. No.

Acting Chairman WEINSTOCK. You put on as many as you feel you require?

Mr. JOHNSON. Yes, sir; it is a matter of the individual case. If a promising boy comes along to-day the superintendent of apprentices, if he wishes to secure his services, places him where he can learn, and it is his duty to see that he is properly transferred from department to department so that he can learn and to eventually place him to the advantage of the work.

Acting Chairman WEINSTOCK. As you know, Mr. Johnson, there are two kinds of industrial bargaining; there is collective bargaining and individual bargaining, which is the bargaining where you and the employee deal individually, where you would deal with me, say, as an individual; and then there is the bargaining where you deal with a group of workers. Now, I gather from your testimony that your policy is that of individual bargaining. Is that correct?

Mr. JOHNSON. Well, if you consider the contractor with all the workmen assigned to him—and some of those contracts are very large—as an individual, then it is individual bargaining.

Acting Chairman WEINSTOCK. Well, if I were to make application at your works, then you would make the bargain with me individually?

Mr. JOHNSON. Yes, sir; individually.

Acting Chairman WEINSTOCK. And you would pay me what you think I am worth?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. So that would be an individual bargain. Now, I take it from your testimony that you think you can get the best results from individual bargaining?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. Rather than from collective bargaining?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. That is, you say that you think it is the wisest course, so far as your industry is concerned, not to recognize or to deal with organized labor?

Mr. JOHNSON. That is a fact.

Acting Chairman WEINSTOCK. Doubtless you have reached that conclusion as the result of careful thought and consideration, and the commission would be very glad to know, Mr. Johnson, what were the reasons that have led you to

reach the conclusion that it was not wise for you to do collective bargaining and to recognize organized labor and to deal with organized labor.

Mr. JOHNSON. We believe that organized labor levels downward. We believe that it deprives the earnest, ambitious boy of a chance to rise out of his position.

Acting Chairman WEINSTOCK. In other words, you think it makes for the dead level?

Mr. JOHNSON. I think it makes for the dead level, and we think that it destroys ambition and initiative.

Acting Chairman WEINSTOCK. For that reason, primarily, and perhaps there are other reasons that you may want to suggest.

Mr. JOHNSON. We believe that it is impossible in a unionized shop, in a shop having organized labor, to reach the efficiency which is possible under non-union labor; that is, where the employer is free to deal with each employee—individual bargaining.

Acting Chairman WEINSTOCK. And so you operate what I presume is generally called an open shop?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. Now, if I should come to your works wearing a union button, how would that affect my chances of getting a job if I was fit otherwise?

Mr. JOHNSON. It would not affect it at all.

Acting Chairman WEINSTOCK. It would not?

Mr. JOHNSON. No, sir.

Acting Chairman WEINSTOCK. You don't discriminate because I may happen to be a union man?

Mr. JOHNSON. No; but if after you were employed we then found you were inefficient you would not stay.

Acting Chairman WEINSTOCK. Does the application that I would be called upon to fill out ask the question whether or not I am a union man?

Mr. JOHNSON. I don't think it does. I can't answer that. I will produce an application.

Acting Chairman WEINSTOCK. Yes, we would be glad to have that for our files.

(The application blank above referred to was submitted in printed form.)

Acting Chairman WEINSTOCK. But so far as you know, Mr. Johnson, the question of unionism is not an issue in the matter of employment?

Mr. JOHNSON. The question of unionism is not an issue.

Acting Chairman WEINSTOCK. You employ men on their merits regardless of whether or not they are unionists?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. You told us that when your plant is working under normal conditions you employ about 17,000 men?

Mr. JOHNSON. The maximum is 19,500. We have employed as many as 19,500 within the last 18 months.

Acting Chairman WEINSTOCK. Well, now, if I were a newcomer in the works and did not know the ropes and had some grievance that to me seemed quite serious, how could I get that grievance adjusted?

Mr. JOHNSON. You would go first to your foreman and present it, and if that was not satisfactory you would then go to the assistant superintendent in charge of the section of the work—that is, there are a number of assistant superintendents—you might say sectional superintendents. If it is not adjusted there, you would go to the general superintendent. If you were not satisfied, then you would be at liberty to go to the vice president and finally to the president.

Acting Chairman WEINSTOCK. All those doors would be open?

Mr. JOHNSON. All those doors are open to every man.

Acting Chairman WEINSTOCK. Well, are there instances, Mr. Johnson, where individual grievances come up as high as to yourself?

Mr. JOHNSON. Occasionally they come to me; yes, sir.

Acting Chairman WEINSTOCK. Having all that burden on your shoulders, how are you individually able to take the time to investigate the grievance of some one unimportant individual?

Mr. JOHNSON. Well, I take the time. That is what I am there for. I take the trouble to go into it, and usually consult with the vice president about it; get a report from the general superintendent and consult with the vice president about it.

Acting Chairman WEINSTOCK. You have explained to us, Mr. Johnson, just how you deal with injured workers—that you have a pension system and that you give them medical treatment and medical aid. Now, for your information, I might explain, Mr. Johnson, that in California, as is the case in some other industrial States, we have what is known as the compulsory workmen's compensation act which makes the employer liable for any injury occurring to any of his workers while engaged at his work, unless it be due to intoxication or willful misconduct. It makes the employer liable through 90 days for medical treatment, and compensation equal to 65 per cent of his wages until he is fit to return to work. In the event of death his dependents are entitled to a compensation equal to three years' earnings. If such a law should be advocated for the State of Pennsylvania, Mr. Johnson, what would be your attitude and the attitude of your business?

Mr. JOHNSON. Well, I might say that a law similar in its general tenor has been before the Legislature of Pennsylvania, and we were amongst the first consulted by the commission which framed it, and we are earnestly in favor of such a law. In the first place, we believe in the general principle that the cost of suffering, misfortune, carelessness, and incapacity which is inseparable from the employment of human labor should be borne by the product and not by the unfortunate family of the man who is injured. Holding that belief, we are earnestly in favor of the passage of such an employers' liability bill as has been proposed by the commission.

Acting Chairman WEINSTOCK. Generally speaking, then, Mr. Johnson, you favor the compensation act?

Mr. JOHNSON. Most strongly.

Acting Chairman WEINSTOCK. Well, I find that that also is the attitude, for example, of Mr. McGregor, the president of the Union Iron Works, of San Francisco. They strongly approve of it and believe it to be a protection for themselves and a protection for the workers. Is there any good reason, then, why this compensation act should not carry or should not prevail in Pennsylvania?

Mr. JOHNSON. There is no reason whatever, so far as I can see, with this provision, that it ought to be universal and not permissive in its application.

Acting Chairman WEINSTOCK. Well, in California it is compulsory except so far as farm workers are concerned and domestic servants.

Mr. JOHNSON. Well, of course, they are different classes.

Acting Chairman WEINSTOCK. Yes.

Mr. JOHNSON. But I mean upon employers of labor in industry.

Acting Chairman WEINSTOCK. The hour for adjournment has come, Mr. Johnson, and may we ask you to be good enough to return to-morrow at 10 o'clock?

Mr. JOHNSON. Yes, sir.

(Whereupon, at 4:30 o'clock p. m. Wednesday, June 24, 1914, an adjournment was taken until 10 o'clock a. m. Thursday, June 25, 1914.)

PHILADELPHIA, PA., June 25, 1914—10 a. m.

Present: Commissioners Weinstock (acting chairman), O'Connell, Lennon, and Delano. E. H. Busiek, special counsel.

Mr. BUSIEK. Because the commission has run a day behind in its hearings—that is, that we are just entering upon the metal trades to-day, when the garment industry was scheduled for to-day—the hearings on the garment industry will be put over until next Tuesday, when all the witnesses will then please return, without further notice, and the garment industry will be gone into on next Tuesday.

Mr. JOHNSON. I have asked to be excused until 2 o'clock in order that I could get the information which I promised yesterday. I have been working under great pressure, and it has not yet been completed.

Mr. BUSIEK. You will be excused, then, until 2 o'clock.

Mr. JOHNSON. Thank you.

Mr. BUSIEK. I will call Mr. Tobin.

TESTIMONY OF MR. JOHN M. TOBIN.

Mr. BUSIEK. Please state your name.

Mr. TOBIN. John M. Tobin.

Mr. BUSIEK. What office, if any, do you occupy?

Mr. TOBIN. I am international vice president of the International Brotherhood of Blacksmiths and Helpers.

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Mr. BUSIEK. How long have you lived in Philadelphia, Mr. Tobin?

Mr. TOBIN. Nineteen years.

Mr. BUSIEK. How long have you been engaged in or how long have you been a member of an organized body of the metal trades?

Mr. TOBIN. Metal trades?

Mr. BUSIEK. Yes.

Mr. TOBIN. Four years.

Mr. BUSIEK. What is your familiarity with the metal trades in Philadelphia?

Mr. TOBIN. Having worked at the trade since I have been here, practically, as a blacksmith.

Mr. BUSIEK. Is your acquaintanceship extensive or otherwise amongst the workmen?

Mr. TOBIN. Yes, sir; I have acted as business agent here for the men for a year and a half in our trade.

Mr. BUSIEK. About how many metal trades workers are there in Philadelphia?

Mr. TOBIN. In our blacksmiths and helpers?

Mr. BUSIEK. Yes.

Mr. TOBIN. About 2,400.

Mr. BUSIEK. About how many of those men belong to your organization?

Mr. TOBIN. About one dozen.

Mr. BUSIEK. About a dozen?

Mr. TOBIN. Yes, sir.

Mr. BUSIEK. Does that condition betoken that the men are satisfied with present conditions and do not care to organize?

Mr. TOBIN. No, sir; that is not true. The conditions are that if I am seen talking to a man he will lose his job.

Mr. BUSIEK. Among what employers is that true, particularly of the larger plants?

Mr. TOBIN. That is all of the larger industries—the shipyards and the Baldwin Locomotive Works.

Mr. BUSIEK. Name them specifically by name.

Mr. TOBIN. The Baldwin and the Cramp shipyard and the New York shipyard and the Midvale Steel Works.

Mr. BUSIEK. What are the hours of labor in those various plants?

Mr. TOBIN. Ten hours a day—5 hours on Saturday in some and others 10 hours.

Mr. BUSIEK. What hours prevail in the New York Shipbuilding Co.'s plant?

Mr. TOBIN. New York?

Mr. BUSIEK. Yes, sir.

Mr. TOBIN. Ten hours a day.

Mr. BUSIEK. Isn't it a fact that they are now working on Government contracts eight hours a day?

Mr. TOBIN. Yes, sir. That is, some of the employees there, but they have changed that. Instead of men that worked days before, they put them on piecework. They are working piecework.

Mr. BUSIEK. They are working piecework for eight hours?

Mr. TOBIN. Yes, sir; and the eight hours are no advantage to them.

Mr. BUSIEK. What are the rates of wages here in Philadelphia?

Mr. TOBIN. Anything they can get, from \$1.50 to \$4 a day.

Mr. BUSIEK. Is there any regular scale for journeymen blacksmiths in Philadelphia?

Mr. TOBIN. No, sir. He goes to work at \$2 or \$2.25 or \$2.50 a day, and he works in a shop a certain number of fires, and he works up to \$4 a day in the same, and then he is let go and somebody is taken on to fill this place that comes in to work at \$2.50; and if he comes back he has to begin again.

Mr. BUSIEK. What advantage would there be in discharging the \$4 man if they had to get another \$4 man?

Mr. TOBIN. Well, they get a cheaper man to do it. I am speaking now only with reference to the small shops, and not the larger shops.

Mr. BUSIEK. What is the rate paid to journeymen blacksmiths in the Baldwin Locomotive Works?

Mr. TOBIN. From 18 cents an hour to 40.

Mr. BUSIEK. How about Cramps?

Mr. TOBIN. Well, pretty nearly the same thing; a little better than that—the minimum is a little better, but I don't think the maximum is as high; possibly 35 cents.

Mr. BUSIEK. How about the Brill Car Works?

Mr. TOBIN. About 30 cents, by piecework. Every man works piecework and gets what he makes; sort of a cooperative plan.

Mr. BUSIEK. Are there any bonuses or premiums given in any of those shops?

Mr. TOBIN. Not in those shops.

Mr. BUSIEK. Is there any at all in Philadelphia?

Mr. TOBIN. Not that I know of.

Mr. BUSIEK. Are any of these shops under what is commonly called scientific management?

Mr. TOBIN. No; I don't know as any of them is under that.

Mr. BUSIEK. Or efficiency systems?

Mr. TOBIN. Not of the blacksmith shops.

Mr. BUSIEK. Are there any particular speeding-up methods adopted in any of the shops here in Philadelphia?

Mr. TOBIN. Well, yes; there is a speeding-up method, but not of that nature—giving men piecework and putting more responsibility on them. Giving them a reduction on small orders. Get a small order of four or five pieces, which seems very insignificant to a man, and the reduction is not much, and there is a reduction on that piecework, and, of course, that means speeding up, to make anything out of it.

Mr. BUSIEK. Well, where men are employed on piecework is there any minimum guaranty per hour?

Mr. TOBIN. No.

Mr. BUSIEK. Does that condition exist in those big plants in Philadelphia?

Mr. TOBIN. Yes; that condition exists in those big plants. There is no guaranty of getting anything.

Mr. BUSIEK. I have some information that at the Midvale plant, for instance, the men are guaranteed 25 cents an hour and are also put on piecework; and should they make more than 25 cents an hour at that plant on piecework they are allowed what they make; but in no event do they make less than 25 cents an hour. Is my information correct?

Mr. TOBIN. I can answer only generally. In the Midvale Steel Works I never had much opportunity of getting acquainted with any of the men, because something might happen to their job, as I said in the beginning here, if they were seen talking to me or to any other organizer.

Mr. BUSIEK. What are the conditions in the various plants as regards tool breakage and charging the men therefor?

Mr. TOBIN. Well, that don't count in a blacksmith shop. If a blacksmith breaks a tool, he makes one.

Mr. BUSIEK. Have you made any comparisons between the sanitary conditions here in Philadelphia and plants in other parts of the country where union labor is recognized?

Mr. TOBIN. Yes. The conditions here are not at all—do not compare favorably at all with other plants.

Mr. BUSIEK. In what respects are they defective?

Mr. TOBIN. Well, since the Baldwin people have built their new shops, they have given the blacksmiths better conditions than what they had when they were situated entirely in Philadelphia here. They had blacksmiths on upper stories and no ventilation, and they were full of hard-coal gas and sulphur at all times; and there was complaints every day of men losing time. I myself worked for 12 years, and lost a year's labor trying to get myself in condition again to go to work—or almost a year's labor.

Mr. BUSIEK. What are the conditions now?

Mr. TOBIN. Since they have built those shops, at Eddystone, the men are down on the ground floor now, wholly at Fifteenth Street, and they have better conditions there. As to their sanitary conditions there, toilets, water, and things of that kind, they paid very little attention to that until after the men organized there and called it to their attention.

Mr. BUSIEK. You say the men did organize at the Baldwin plant?

Mr. TOBIN. Yes, sir.

Mr. BUSIEK. When was that?

Mr. TOBIN. 1910.

Mr. BUSIEK. How strong an organization did the men have?

Mr. TOBIN. About 85 per cent.

Mr. BUSIEK. Did they strike against the conditions?

Mr. TOBIN. Yes; they struck against the condition that they were trying to eliminate there. That condition of dismissing old employees. There was

a dozen or more different grievances that caused the strike—or caused them to organize. I have a list of them here.

Mr. BUSIEK. I wish you would read them.

Mr. TOBIN. What caused them to organize there—to eliminate the discrimination against old employees. In case of depression such as they are going through there now, it did not make any difference how much service you saw there or gave them there, while the management possibly was not acquainted with those conditions the men thought that they had better bring them to their attention, and they would not permit them to; they would not pay any attention to them. After organizing, they tried to bring to their attention the fact that men of 40 years' service would be dismissed during depressions, and when they would be putting on men again there would be no chance for them—in many instances.

Another thing that they organized for was to look after the interests of the apprentice boy. The apprentice boy was hired there and left there, like a cow in a pasture, to roam wherever he wanted to and do just what he pleased and nothing set for him to do and no attention paid to him, and nobody to say what he should do and how to do it or when to do it or anything else; and after he had served his time and went out, the first job he could fill would be a job on an ice wagon or moving van. That is the kind of mechanic they made out of him.

Mr. BUSIEK. Mr. Tobin, Mr. Johnson said they had an apprentice system which they found impracticable, and that they had to give it up; but he said it was their intention at that time to put the boys through the various departments and make all-round mechanics of them. Did they have any superintendent of apprentices or anyone to direct him?

Mr. TOBIN. There was a director, I think, of apprentices; but his direction amounted to the schooling of them, and things of that kind. But the apprentice boy was put to work by the contractor that he was to work for, and his object was to see that he got as much work out of that apprentice boy, and to give him a job that he could do the most of—that was the most profitable to him. While the company paid him, he was doing the work that the contractor was getting paid for.

Mr. BUSIEK. Explain this contract system, as you see it?

Mr. TOBIN. Well, I ain't through with that apprentice boy yet.

There were some apprentice boys that were successful there. They were directors' sons, and foremen's sons, who were not apprentice boys in a true sense, but were brought in the shop to help their fathers carry their money home on pay day. The money that their fathers would make would be too large to go before the company, or for any auditor to see, or the managers to see, and they have to divide it up amongst their sons to carry it home, and take it away from the poor fellow that did the work.

As to the contract system there, I had better illustrate. It is like I buy you a set of tools and equip you with some machinery and put a roof over them and give you the tools and supply you with all the work you can do and tell you to go ahead and do it. That is your contract. And I come along and hire with you and you put me to work and give me just what you think you can give to keep me on that job; and if I insisted on piecework, you wouldn't want to give me piecework but you would give me the most unprofitable work to do; but if you gave me piecework you would put the price on it yourself. You would be working in conjunction with the foreman.

And I want to say that the foreman, in many instances, is under obligations to the contractor, and many times the contractor is the foreman's relative, as, for instance, in one shop, there is a machinist—or in one part of the machine shop there is a foreman there who brings in his cousin or some relation that is a baker and makes him a contractor in the machine shop.

Mr. BUSIEK. What department?

Mr. TOBIN. Another one is a butcher, and he puts him in there as a foreman.

Mr. BUSIEK. What departments were those?

Mr. TOBIN. Well, that is in the machine shop.

Mr. BUSIEK. How long ago was that?

Mr. TOBIN. Well, that is within the last two or three years—three years. And in the blacksmith shop the contractor brings his son in and then presumes that his work is too heavy for him to do and he needs a partner in it, and his son is made a partner in the contract with him.

Mr. BUSIEK. We are talking too much about contracts without understanding particularly what that system is.

Mr. TOBIN. Just as I told you, buying a man a lot of tools and machinery and putting him to work and telling him that is yours, make what you can out of it. Just that.

Mr. BUSIEK. Well, supposing you are working in the Baldwin plant as a blacksmith?

Mr. TOBIN. Yes.

Mr. BUSIEK. You say the plant furnishes you with your tools?

Mr. TOBIN. Yes; if I am the right fellow.

Mr. BUSIEK. If you are the right fellow?

Mr. TOBIN. Yes.

Mr. BUSIEK. And they give you a certain stunt to do—that is, a certain amount of work to do, for which you receive a certain price?

Mr. TOBIN. No. As Mr. Johnson said yesterday, there is an evolution taking place every year in locomotives, and I am doing a certain kind of work—I have got the contract in the blacksmith shop of the radius bars, the crossies, the slays, and valve yokes and things like that. I employ men to do it, and I pay those men just what I can get them for to do it.

Mr. BUSIEK. What you can get them for? Why, doesn't the Baldwin Locomotive Works make the arrangement with the men as to how much they are to be paid?

Mr. TOBIN. No. We ask them to put even the price on the back of the sketch. They agree to it, but the foremen later on say that one man would know what the other man was getting for the work, and the foremen later on eliminated that because it left everybody know what the price was in each contract; it was too fair. The proposition is that one man gets a price on a job and another man gets less, and you lose your job if you tell the other fellow what you got.

Mr. BUSIEK. You make an individual agreement then with the—

Mr. TOBIN. With the contractor—that is, if you will stand for it.

Mr. BUSIEK. All right. We were on the subject of grievances now and we have gotten discrimination against the old employees; the abuses of the apprenticeship system, as you claim; and putting men who were not mechanics in as contractors.

Mr. TOBIN. Men who had the best—men who are the best equipped in the blacksmith department, are never given contracts. It is the fellow that is the closest related, and it is a swap between one foreman and other foremen. You are a foreman in a machine shop and I am a foreman in the blacksmith shop; you will take care of mine in the machine shop, and I will take care of yours in the blacksmith shop.

Mr. BUSIEK. What other grievances do you have?

Mr. TOBIN. The eliminating of the discharging of men for personal reasons, which was very much prevalent there.

Mr. BUSIEK. What embraced personal reasons, or what were the chief personal reasons?

Mr. TOBIN. Oh, if a fellow was red-headed and you did not like a red-headed fellow, you would not have him, and that kind of stuff; some social affair; you did not attend meetings of the club or something, or did not go along when they wanted you to go along, and like that. The management of Baldwin's don't know what is going on there and the organized men try to tell them what is going on in the shop. They know what is going on in the office, how many engines are going out, and everything else, but they don't know what is going on in the shop.

Mr. BUSIEK. Well, are the foremen so firmly entrenched there that you think they are misleading the men higher up in the Baldwin plant?

Mr. TOBIN. I don't think they ever consult them at all. The thing is all right and it seems to be satisfactory.

Mr. BUSIEK. Are there any other grievances that you had at that time?

Mr. TOBIN. There is at this time. During the time when they are overrun with work, their men have all the opportunity of doing all that they can, or all that they are able to do, but in cases of depression, as now, as was stated here yesterday, there is 8,000 men employed there now where a short time ago there was 16,000 men employed there. Well, in that 16,000, this contract system, all that deadwood that lies around during prosperous time, all that nonproducing class that lies around during prosperous times, all take off their coats now and go to work, and the fellow who gave his best service while they were busy is out walking the streets to-day; if he makes a kick, he has no opportunity of ever going into the shop again.

Mr. BUSIEK. Does the shop have any kind of a check system of employees?

Mr. TOBIN. No.

Mr. BUSIEK. Well, a plant employing 18,000 people—do you mean to say that a man can not go back there if he has ever made a complaint in any department?

Mr. TOBIN. If he is blacklisted in one department, there is no chance of ever getting into another.

Mr. BUSIEK. That is what I am trying to get at. What kind of a black list do you claim the Baldwin Locomotive Works maintain?

Mr. TOBIN. Discharging him in any department he finds, or if he is working in a department and there is a chance for him to go and advance in another and he quits in this one and hires in another one, he is discharged there.

Mr. BUSIEK. Were there any other grievances? Let us exhaust those first?

Mr. TOBIN. Yes. Everything there is specialized, and while you might be a blacksmith in Baldwin's to-day, or a machinist, in many cases if you have not learned your trade somewhere else, you may be a blacksmith there and be making from \$20 to \$28 a week, and the class of work that you have been working on has been taken away or has been improved upon, something else has taken its place in the construction of locomotives, and you are only fitted for that, after giving the best of your life with them when you think you are equipped with a trade you are only fitted with that to go out and drive a team or work on the streets. There is no chance of getting employment anywhere else. And that is one of the things the men wanted to call to the attention of the company, to give an opportunity to a man not only to make money for himself and for the company, but to equip himself so that he would be able to make money somewhere else, that he would never be compelled to stay in Baldwin's.

Mr. BUSIEK. How would you go about that if you had free rein of the thing to do it yourself, how would you remedy these conditions?

Mr. TOBIN. Why, when I would promote a man into a mechanic's position I would give him an opportunity of filling all parts of that position, so far as it was possible; but there it is given to you as far as it is profitable.

Mr. BUSIEK. Well, let's get at that now. You are a blacksmith, and what work did you do while you were there?

Mr. TOBIN. I made slays and cross-ties and work of that nature. It is very heavy work.

Mr. BUSIEK. Radius rods, I believe you said?

Mr. TOBIN. Yes.

Mr. BUSIEK. Suppose they get a machine, do you mean they will get a machine that can do all this work and eliminate you, is that the idea?

Mr. TOBIN. No. I could go and do the other work, because I learned my trade before I went there, but the fellow that learned his trade with me, the fellow that helped me and took my place when I left there. I want it understood that I have no grievances against the Baldwin Locomotive Works, that I had a job that paid me \$30 a week while I was there, and I quit of my own accord with the promise of a position any time I came back for it. I haven't any grievance against them at all; I am not a grouch. But the man—

Mr. BUSIEK. (interrupting). Do you think you could get it if you went back?

Mr. TOBIN. No; I don't think so; not now.

Mr. BUSIEK. Do you think you could get on if you went back?

Mr. TOBIN. No, sir. I don't think so now. But the man who took my place before—there is no work at Baldwin's. It is out under the tree for him and wait until Baldwin does get work.

Mr. BUSIEK. Why is that?

Mr. TOBIN. Because they give a man no opportunity to do anything only to learn to make radius bars.

Mr. BUSIEK. Then you think a man should be taken off the job as a helper to a man who is making radius rods and put on with a man who is making stay rods, or whatever you call them, and transferred from one man to another? Instead of becoming a specialist—

Mr. TOBIN. Yes, sir; or hire men who are capable of doing all kinds of work.

Mr. BUSIEK. You wanted the company to adopt some plan of leaving specialization and make all-round men out of them?

Mr. TOBIN. Yes, sir; if one of the Baldwin blacksmiths goes to Cramps, the Cramp men won't employ him as a blacksmith, neither will the New York Shipyard employ him as a blacksmith; neither will the Brill Car Works, unless he has learned his trade and learned something about the blacksmith trade.

Mr. BUSIEK. Are there any other grievances?

Mr. TOBIN. Yes, sir; to see that men get the same price on a job. In getting individual contracts or piecework, a man is given a price. If he is a good fighter or scrapper, or close enough to the contractor, he will get a price—a good price, probably—but he gets it with this injunction, "Be careful and do not tell anybody what you get for that"; and it is the price of my job if I would tell anybody, giving him the opportunity of giving the job to somebody else for less money in case of a pinch.

Another thing: There are two men working on a job—a blacksmith and two helpers working on a job. The contractor gives one helper \$18 a week for helping, they are both classed the same, their day rate is the same. He gives the other helper \$16 a week. The fellow who gets \$16 a week, if he happens in any way to find out what the first fellow got, sees his envelope or hears it through a conversation and goes to the contractor and wants to know why he didn't get it, that is the price of his job. That is how far he can go with a grievance.

Mr. BUSIEK. We have come to a difference in testimony now. Mr. Johnson, you heard him testify?

Mr. TOBIN. Yes, sir.

Mr. BUSIEK. He said the men were all employed by an employing bureau and department that had that in charge; that their wages were fixed at the time of their employment. Is that true?

Mr. TOBIN. Yes, sir; but that does not figure with him at all. Men who are rated at the day rate of 18 or 20 cents an hour, are to-day making \$20 to \$28 a week in money. The day rate does not amount to anything, while you get a day rate in the blacksmith shop—

Mr. BUSIEK. (interrupting). Does a contractor ever give them less than they agree to work for?

Mr. TOBIN. If he don't make it, he won't get it.

Mr. BUSIEK. But the contractor, in that event, gets nothing either?

Mr. TOBIN. Well, he is pretty well taken care of; he will get some some way—he will get some.

Mr. BUSIEK. The contractor in no event, however, attempts to employ a man at a lesser rate than that stipulated in the terms of his employment at the time he goes into the shop?

Mr. TOBIN. Well, I don't think, when a man comes in and hires on a day rate, he does not stay on that day rate very long. When he goes in there a little while, if he is not making money for the contractor, the contractor will force him onto piecework; and if he is making money when he is in there long enough to find out the prices and some of the other fellows see what the contractor is getting on it, they will put him wise, and if he is getting more he will demand piecework off of him. In some cases, if he demands piecework, the contractor will shove some work on him that is not profitable. The man, who is not the contractor, puts the price on the work and the contractor is many times an office clerk, that is the only experience he had as a contractor, or he is the son of some other contractor, or he is the son of some boss.

Mr. BUSIEK. Mr. Johnson said that the contractors were recruited from among the mechanics at the plant.

Mr. TOBIN. Well, I could show you a contractor there who took a contract; his father, who was a foreman, gave him a contract when he was not 21 years old.

Mr. BUSIEK. He had been a workman in the shop?

Mr. TOBIN. He had been a boy running a hammer in the shop. Another one, he goes out and learns the plumber's trade, and he gets him a job as foreman in another department.

Mr. BUSIEK. About how many contractors are there now?

Mr. TOBIN. More now than workmen.

Mr. BUSIEK. About how many?

Mr. TOBIN. Depends upon who you are. If you are the right kind of a fellow, they will make a contractor out of you, and you may have 6, 8, or 30 men under you.

Mr. BUSIEK. When you were there, how many contractors were there?

Mr. TOBIN. In the department I was in?

Mr. BUSIEK. No; in the plant.

Mr. TOBIN. No, sir; I couldn't tell you. If you would count the straw hats in the wintertime, you could tell; but you have not got the time to do it.

Mr. BUSIEK. Were there any other specific grievances?

Mr. TOBIN. Yes, sir; they had the men who are laborers cleaning up the shops, wheeling out ashes, picking up loose papers, and cotton waste around the shop. Those men are put upon the orders of the contractor, the contractor is making too much money. Not the man that is working for him, but the contractor is drawing too much, he has not got wise enough to bring in some of his relatives to help him carry home the money, and they have to get a reduction on the piecework prices in order to pay for the labor that cleans up the shop, and all those things, and the hammer boy.

Mr. BUSIEK. Does the laborer get this money?

Mr. TOBIN. Oh, yes; he gets his day's wages. The contractor pays him, but the contractor has got to get it somewhere, and he takes it where it is the least loss to him, from the other fellow.

Mr. BUSIEK. Any other grievances?

Mr. TOBIN. Yes, sir; not any grievances, but I want to dispute some of their fairness. It was stated here yesterday that it did not make any difference to them, they were after the best mechanics they could get. I want to say that a year and a half ago the Baldwin people were very busy, and they hauled carload after carload of men from Philadelphia here down to Edlystone, to put to work; they put them to work down there. They found they would be no good to do the work and they sent them home again the very same day. While they were down there there were hundreds of discriminated men walking the streets of Philadelphia here who had gone out on the strike in 1911, men who were capable, men who had shown their ability, and been there for years, men who had served there for 40 years were walking the streets here and would not dare even talk to the men who were employed there; had to keep away from him so he would save his job.

Mr. BUSIEK. Are they members of your union?

Mr. TOBIN. Some of them.

Mr. BUSIEK. Were they at the time they could not get this job a year and a half ago?

Mr. TOBIN. Members of our union?

Mr. BUSIEK. Yes.

Mr. TOBIN. No, sir. Some of them, as I say, about a dozen faithful ones, who have lost their jobs, that are still members of the union.

Mr. BUSIEK. Have any of those men made application for reinstatement?

Mr. TOBIN. Yes, sir; in every way. They have even threatened to use their—to tell the truth, in some cases where there was prosecutions, even threatened the foremen that if, when a chance, if given a chance, they will go into court and tell the truth in those cases where there was cases of damages against the company.

Mr. BUSIEK. What excuse do the Baldwins give for not hiring those men?

Mr. TOBIN. Because they joined the union.

Mr. BUSIEK. Were they told that frankly?

Mr. TOBIN. Told that frankly. When they hired, after they hired those men back, the ones that they did hire back, they tore their due cards—books—up, each man had delivered his due book when he went into the office and got a job. That was the first qualification, when he delivered that. He was fitted to be talked to then.

Mr. BUSIEK. Who was the man they would have to deliver those to?

Mr. TOBIN. Down to Edlystone, to the superintendent of the shops down there, Mr. Sanderson.

Mr. BUSIEK. Here at Philadelphia?

Mr. TOBIN. I would not be able to say here in Philadelphia. I guess to the superintendent of each shop here.

Mr. BUSIEK. You know that is true as a matter of fact?

Mr. TOBIN. Yes, sir; I know that is true.

Mr. BUSIEK. About how many of the union men have gotten back?

Mr. TOBIN. Got back there?

Mr. BUSIEK. Yes; of the men who went out on strike?

Mr. TOBIN. There was quite a number got back, but not union men. There were none of them union men.

Mr. BUSIEK. How was the wage scale paid by the employers in Philadelphia as compared to other cities where the craft is strongly organized?

Mr. TOBIN. Well, a man gets \$4 a day in Philadelphia for doing what a man gets \$7.50 for doing in New York.

Mr. BUSIEK. What has been your experience with the company in the matter of injured employees? Does the company take any care of the men when they are hurt?

Mr. TOBIN. If he didn't get somebody to put him wise, tell him it would be possible to go up and get something out of the company, he didn't get anything. If he was hurt pretty bad and put in the condition that he was not able to work, he was given some toilet to take care of, or some gate to watch; that is, if he was all shot to pieces, and was not able to do anything else.

Mr. BUSIEK. Does the company pay the wages of any men while they are laid up?

Mr. TOBIN. During the time that I worked there, just as I tell you, there was a young man worked with me who got a piece of steel into his eye, and he was in pretty bad circumstances. We took a collection up in the shop for him, and in taking up the collection in the shop, one of the men told me, he says, "So-and-so got hurt, and I believe that Baldwin's gave him \$5 or \$10, and I believe if he went down he would get \$10 or \$15." I told him this, and he didn't go himself, but sent his wife, and they sent a man to him and he did get something from him at that time. They have a different system now.

Mr. BUSIEK. What is the system now?

Mr. TOBIN. The system, as Mr. Johnson explained yesterday, the beneficial system. That system, which binds you closer to the company. You have got some interest there. That there system.

Mr. BUSIEK. According to Mr. Johnson's explanation, for 10 cents a week you could belong to this beneficial organization?

Mr. TOBIN. It does not make any difference, if you get it for nothing; it ties you there. You are there all right. Even if they give you stock for nothing, you are a stockholder, you have a greater interest.

Mr. BUSIEK. What is the objection to a man working there, to being tied close to his job and enjoying those benefits? Is there anything that would militate against a man's freedom to work?

Mr. TOBIN. No, sir; it would not do that, but it takes a lot of independence out of a man. It puts a man in a position that he submits to things that he would not if he was not tied down by some other interest there. Whilst they might give you 10 cents, even if they give it for nothing, it gives an opportunity to impose upon a man along other lines that was more profitable than that would be.

Mr. BUSIEK. Even if they furnish this for nothing, is it your idea that that is inimical to the men who work there, this benefit system? Give a man \$3,000 in case he dies; do you think that is wrong?

Mr. TOBIN. No, sir; I couldn't say that that was wrong.

Mr. BUSIEK. To give his dependents, I should say?

Mr. TOBIN. No, sir; I would not say that was wrong. But we have a good deal of experience where that has been tried for years, especially on the railroads. We know what that longevity it, what influence it has, and all those things, and it takes a man's independence, and, as I say, he suffers things that he would not if that was not there.

Mr. BUSIEK. Then, do I understand it that the men are not in sympathy of his plan of the company to pay benefits to men who are injured, and to ask deposits from them?

Mr. TOBIN. It takes that rebellious spirit out of them. There is not enough of them there that is not depending on that to be independent enough to get conditions there that are coming to them, to eliminate some of the impositions that are put on them.

Mr. BUSIEK. Supposing I was paying 10 cents a week into that fund, that would be pretty cheap industrial insurance, would it not?

Mr. TOBIN. Yes, sir.

Mr. BUSIEK. Would that tie me down in my job so, or break my spirit of independence, that I would hesitate to relinquish that 10 cents a week that I had paid in, and take another job, or whatever I had paid in, if I would take it back with interest at 3.65 per cent?

Mr. TOBIN. I don't know you, but I know the men who work there, and I know men, as a rule, and I know it has a lot of influence over them, a lot of influence.

Mr. BUSIEK. Are there any trade agreements in any of those larger plants with any of the unions in the metal trades?

Mr. TOBIN. Not with our organization.

Mr. BUSIEK. With any organization that you know of?

Mr. TOBIN. I believe some of them have.

Mr. BUSIEK. What ones?

Mr. TOBIN. Pattern makers, possibly, and the machinists have, but our trade has none.

Mr. BUSIEK. To what do you attribute the failure of the strike at the Baldwin plant in 1910?

Mr. TOBIN. To what do I attribute the failure of the strike?

Mr. BUSIEK. Yes?

Mr. TOBIN. Well, it was a case of the Baldwins letting a fellow sit down and let their hair grow long and starve to death—their wives and children—that terror and torture that they try to inflict in all such cases—13 weeks.

Mr. BUSIEK. It was a case of starve out, then?

Mr. TOBIN. Case of starve out. A case of bringing all classes of men into the city here and filling their shops with anything they could get hold of.

Mr. BUSIEK. You say they brought in outside men?

Mr. TOBIN. Yes, sir.

Mr. BUSIEK. There were not enough men in Philadelphia to fill those places, then?

Mr. TOBIN. No, sir; they did not get many Philadelphians; they had so many that were loyal—some Keystoners—that they put gold buttons on and put a badge so that everybody would know them.

Mr. BUSIEK. So that everybody would know them?

Mr. TOBIN. Yes, sir.

Mr. BUSIEK. Was that—to wear a loyal badge of the Baldwin plant—a popular thing in Philadelphia?

Mr. TOBIN. I don't think so.

Commissioner O'CONNELL. Mr. Tobin, you say you worked for the Baldwin Co. about 14 years?

Mr. TOBIN. About 12 years.

Commissioner O'CONNELL. Twelve years?

Mr. TOBIN. Yes, sir.

Commissioner O'CONNELL. In the making of contracts with the men, are the men taken into confidence to the extent of dickering upon a price of a contract at all?

Mr. TOBIN. No, sir. You are given this; take this; do it or somebody else will do it.

Commissioner O'CONNELL. If a contract is given to you to-day for a job, say, paying \$100, and that contract is finished, next month you get a similar contract—the same work, job exactly the same. Is there another price set upon it then? Is it liable to be less or more?

Mr. TOBIN. No, sir; that is not practiced. The evolution of the work has given the opportunity of changing the price. The only way that will operate is by giving it to another man who does not know the price of it.

Commissioner O'CONNELL. Supposing there is a contract for \$1,000 and it is found that the contractor in that case makes 25 per cent over his rate—

Mr. TOBIN (interrupting). It is not operated that way.

Commissioner O'CONNELL. Let me cite a case.

Mr. TOBIN. Yes, sir.

Commissioner O'CONNELL. And it is found that he is making in excess of what the company thinks is a fair rate. You say, instead of decreasing the rate, they are liable to split the contract up into four or five contracts?

Mr. TOBIN. Yes.

Commissioner O'CONNELL. And instead of having one contractor, there may be four or five contractors having that the next time?

Mr. TOBIN. I want to say in Baldwin's the contractors are a little bit wiser than that. When the money runs a little high they have relatives around and they are brought around to help carry it home.

Commissioner O'CONNELL. If you had a contract paying \$1,000, and in that contract there was \$200 made over the price of the contract, would you divide that \$200 with the men that were working under you, or would you keep it yourself as contractor?

Mr. TOBIN. The man that works under you—you give him a rate of pay.

Commissioner O'CONNELL. Yes.

Mr. TOBIN. If he is working by the day rate, you give him three or four dollars a day, whatever the case may be. He does not care how much you make, but you must look out for yourself. If your price runs too high, if your wages run too high as a contractor, your prices are cut down. What you make you

will get, but your prices are cut down; and in order to save your being cut down, as I said a while ago, you will get your relatives to carry the other part of it home for you.

Commissioner O'CONNELL. What I want to find out, Mr. Tobin, is whether I am working for you as contractor and working as a dayman, and you make \$200 above the day rate you pay your men; do I get any part of that?

Mr. TOBIN. No, sir.

Commissioner O'CONNELL. Mr. Johnson said yesterday that he was not quite sure of that, as I understand it now; but where is the possibility for the workmen to earn greater pay if he does not enjoy part of the profits of the contractor?

Mr. TOBIN. I will cite a case: Contractors get so much for daywork. Whatever the price of the fire is, he charges that for daywork. He gets so much a piece for every piece of work he turns out. It is not given to him in a lump sum. If his prices run too high and he has done some daywork, he will do it for nothing—leave it go for nothing—or he will turn it to some of the workmen, so that he keeps his prices down where it was. I asked a contractor one time, I said, "You have made more money than you are able to draw; why don't you divide that with your men?" He said, "If I do it this week I will have to do it next week. If I give them \$25 this week and the next week they get \$20, they would want to know why they did not get it this week, and they will want it." He will give it to any company for nothing first.

Commissioner O'CONNELL. Mr. Johnson said yesterday—we have it here in the record—Mr. Weinstock asked Mr. Johnson yesterday:

"Acting Chairman WEINSTOCK. Now, you give them credit for that work at particular prices?"

"Mr. JOHNSON. In effect, he is a small proprietor.

"Acting Chairman WEINSTOCK. Yes; and you give him credit for that work at the piecework rate and he pays his men at the hourly rate, and then there is a division of the surplus?"

"Mr. JOHNSON. That surplus is divided."

You say that is not so—the surplus is not divided?

Mr. TOBIN. No, sir; he gives me a job to do; he says, "Tobin, here is an order for 25 sets of radius bars to make. You make 25 sets. They are \$7 a piece." Now, I get \$7 a piece for every one of them I make. It is none of my business what he makes. If he gets \$10 a piece for it, that is his business; I get none of that. If I am working on such work and he says, "I will pay you \$4 a day," he pays me \$4 a day, irrespective of what he makes; if he made \$1,000 a day he would not give me more than \$4 a day.

Commissioner O'CONNELL. There is no printed schedule or anything published or posted as to the prices paid in the Baldwin establishment?

Mr. TOBIN. No, sir.

Commissioner O'CONNELL. Nobody knows, prior to the time a contract is given him, what the price is going to be or what it was formerly for a similar contract?

Mr. TOBIN. Unless you did the business yourself.

Commissioner O'CONNELL. Only the individual who had that contract before would know the price that was paid upon it?

Mr. TOBIN. That is right; that is the only one who would know. I want to say something else here. Mr. Johnson said yesterday the average age of his employees is 26 years.

Commissioner O'CONNELL. Averages are an impossibility.

Mr. TOBIN. Well, this was their average age. I want to call the attention of the commission to the fact that I believe that is a little bit high, because a gray-haired man has very little show in Baldwin's.

Commissioner O'CONNELL. Now, Mr. Johnson said yesterday that for 10 years the wages showed an average increase of about 20 per cent. What, in your opinion, has been the increased production of the men in that period of time?

Mr. TOBIN. One hundred per cent.

Commissioner O'CONNELL. Is that the result of improved tools and methods and machinery, or is it taken out of the hide of the workmen?

Mr. TOBIN. Taken out of the hide of the men. In our department, in the blacksmith shop, there is no improvement in doing blacksmith work. When you do a job on a blacksmith fire and on an anvil there is no way of doing it except by heat and tools, and there is no tools that can help you unless you make dies; and where it is possible to make dies they do it on their trip hammers.

Commissioner O'CONNELL. There seems to be a very great fluctuation in the number of people employed in the Baldwin plant during these 10 years, running all the way from 6,500 to 19,500, which was the maximum. Are there any methods adopted whereby an employee who is laid off has his seniority?

Mr. TOBIN. No, sir.

Commissioner O'CONNELL. Last employed or the first employed?

Mr. TOBIN. No, sir.

Commissioner O'CONNELL. To be reemployed first?

Mr. TOBIN. No, sir; the nearest relation is kept on longest. The fellow that is nearest the contractor. If there is an order to lay off some men, men in the blacksmith shop, the contractor picks his men.

Commissioner O'CONNELL. The contractor does the laying off?

Mr. TOBIN. Yes, sir; and if he has men who have been any way independent, or anything like that, they go.

Commissioner O'CONNELL. Does he reemploy, or does that go to the general office?

Mr. TOBIN. At that time they reemployed. The contractor in some instances reemploys, brings a man in and puts him to work, and tells the boss, "I put that fellow to work, but no advantage in an employment office."

Acting Chairman WEINSTOCK. You say there is no more standard wage?

Mr. TOBIN. The wage is anything a man can be employed for. A man working piecework might make \$10 one week and \$25 the next. In reemploying men there, if a man does not go back to the department where he was working and tries to get into some other department, the man who is in that department can go down and have him discharged—have him put off—because he has not come back to where he had left, if his conditions were not satisfactory there where he left. And it was stated here yesterday that they never have any alliance with any other industry. I have in my mind a strike that took place out in the Brill Car Works—

Acting Chairman WEINSTOCK (interrupting). Pardon me, Mr. Tobin, but our time is exceedingly limited, and we think we can make better progress if you will confine your answers to the question.

Mr. TOBIN. All right; but let me put this through. In the Brill Car Works they had a strike, and some of the men went to the Baldwin Works and obtained employment at the Baldwin Works. As soon as they were found there—that the Brill people found him there—the Baldwin people discharged him.

Acting Chairman WEINSTOCK. Mr. Delano wishes to ask you some questions. Commissioner DELANO. Mr. Tobin, do you have any benefit organization or insurance organization connected with the blacksmiths' organization?

Mr. TOBIN. We had, but we have taken it out.

Commissioner DELANO. Any savings department, or anything?

Mr. TOBIN. No.

Commissioner LENNON. What proportion of the work in the blacksmiths' shop is done under the contract system?

Mr. TOBIN. Well, all of it, I might say.

Commissioner LENNON. Practically all of it. Is that true as to other departments, do you think?

Mr. TOBIN. Yes. It was stated one time that the man who unloads coal, the man who unloads iron, the man who cuts the iron, the man who delivers the iron—that from the unloading of the coal and from the unloading of the iron to the delivery of the locomotive that it was all done under contract by piecework.

Commissioner LENNON. Now, as I remember the statement of Mr. Johnson regarding the pay under the contract system, it was this: That the contract was made for a certain job—perhaps a thousand dollars. The contractor pays the day wage or a piece wage to those that are working in connection with him. When the contract is finished, if it is found that the piece price which applies to this job comes to more money than the contract price, this additional money is paid to the contractor. Is that right?

Mr. TOBIN. To the contractor; yes, sir.

Commissioner LENNON. And that then the contractor has to divide this additional money with the people under him who have helped to carry out the contract?

Mr. TOBIN. No; that is not so.

Commissioner LENNON. You deny that?

Mr. TOBIN. No; the man gets the price for doing the job, and if the contractor loses money he gets that price. But I will tell you, in order to understand this plainly, the drawing comes out of the drawing room and it is brought down and is a new piece of work, and it is brought down to the contractor that is doing that kind of work, and he looks at it and has a little conference with the foreman, and the price is fixed there—the price on that one particular job. It may be \$1 or it may be \$25 or it may be that he says, "Well, we will do one and see what we can do it for," or they will figure there what kind it is and put a price on it right there. But then that price is between them. The man does not get that price at all; the man gets the price that the contractor—he gets you the job, and you go ahead and do it. And if he sees that he is not coming out on it he can go and have an addition put on the price; but if he sees you are not going to come out on it, all right; he is not interested in you at all.

Commissioner LENNON. Now, in regard to this surplus, if there is any, under that contract, do you deny that that is divided among the men under the contract?

Mr. TOBIN. Yes, sir.

Commissioner LENNON. Now, Mr. Johnson, as I remember his testimony, stated that if it was found that the job cost more than the piece price that the contractor had to make good the difference?

Mr. TOBIN. He does.

Commissioner LENNON. He does?

Mr. TOBIN. Yes, sir.

Commissioner LENNON. Well, do the men have to share in that?

Mr. TOBIN. I have only reference to the blacksmith shop. Now, I believe in the truck shop they bid for so many trucks there, or something of that kind—I don't know; but I only know about the blacksmith shop. I know in the blacksmith shop there the prices are by the piece, so much a piece, and not in bulk; and if he makes more than he thinks he ought to draw, why, he won't put it in. He will leave the work go out without getting paid for it, or something of that kind. He don't give it to the men.

Commissioner LENNON. You made the statement a few minutes ago that wages in Philadelphia were \$4 a day and for the same work in New York \$7.50. Do you mean by daywork or by piecework?

Mr. TOBIN. Daywork.

Commissioner LENNON. For daywork?

Mr. TOBIN. Yes.

Commissioner LENNON. That is all, Mr. Chairman.

Acting Chairman WEINSTOCK. Mr. Tobin, you testified that while wages have increased 20 per cent in 10 years the productivity of the men has increased a hundred per cent?

Mr. TOBIN. Yes.

Acting Chairman WEINSTOCK. And does that apply to the plant generally, or just to the blacksmithing department?

Mr. TOBIN. To the blacksmithing department. I don't know anything about the rest of the plant.

Acting Chairman WEINSTOCK. Well, now, you also stated, if I understood you correctly, that during those 10 years there had been no labor-saving devices introduced into the blacksmithing shop?

Mr. TOBIN. There has been in the blacksmith shop, but not to the blacksmith fire.

Acting Chairman WEINSTOCK. Well, now, the blacksmith to-day, then, produces about a hundred per cent more than he did 10 years ago?

Mr. TOBIN. Yes.

Acting Chairman WEINSTOCK. Despite the fact he has no labor-saving machinery?

Mr. TOBIN. That is it.

Acting Chairman WEINSTOCK. Would it not seem, then, that 10 years ago the blacksmith was only giving 50 per cent of efficiency?

Mr. TOBIN. No. Well, you might say that, but the blacksmith in his position now in Baldwin's runs two jobs, he does two jobs instead of one; while the blacksmith heretofore would put a piece of iron in the fire and leave one piece in, to-day he will put four pieces in and he will work two fires; while one is getting hot he is working at the other.

Acting Chairman WEINSTOCK. What did you used to do?

Mr. TOBIN. One fire.

Acting Chairman WEINSTOCK. And what did you do while that iron was getting hot?

Mr. TOBIN. He rested so he could work it when it got hot.

Acting Chairman WEINSTOCK. So, in other words, he is kept continuously at work in place of intermittently?

Mr. TOBIN. That is it.

Acting Chairman WEINSTOCK. You were present yesterday when Mr. Johnson testified?

Mr. TOBIN. Yes.

Acting Chairman WEINSTOCK. Let me refresh your memory on this point and ask your point of view on it. The question was put to Mr. Johnson:

"Doubtless you have reached the conclusion of not dealing with **organized labor** or not recognizing organized labor as a result of careful thought and consideration, and the commission would be very glad to know what were the reasons that led you to reach the conclusion that it was not wise for you to do collective bargaining and to recognize organized labor and to deal with organized labor?"

"Mr. JOHNSON. I believe that organized labor levels downward. We believe that it deprives the earnest ambitious boy of a chance to rise out of his position.

"Q. In other words, you think it makes for the dead level?—A. I think it makes for the dead level, and we think that it destroys ambition and initiative.

"Q. For that reason primarily perhaps, and doubtless there are other reasons that you may want to suggest?—A. We believe that it is impossible in a unionized shop, in a shop having organized labor, to reach the efficiency which is possible under nonunion labor; that is, where the employer is free to deal with each employee in individual bargaining."

Now, we will be very glad indeed, Mr. Tobin, as a representative of organized labor, to get your point of view on Mr. Johnson's statement?

Mr. TOBIN. Well, in the first place I want to state that the Baldwin Locomotive Works did deal with organized labor for a year, and they left the committee of organized labor and agreed to meet them once a month and take up the grievances that were in the shops, but when organized labor was about developing itself there and started to bring out the conditions that existed in Baldwin's and called it to the attention of the managers, the Baldwin people found themselves stronger than the union from the fact that the work was getting slack, and the utterances of Mr. Vauklane, the manager or the superintendent at that time of the works, in telling the committee that a year ago when you went on strike I needed you, but to-day I don't need you, and the discharging of men who had given the best of their services there and were valuable men to the company brought about the position that they occupy to-day, because the union went there and insisted that bosses' sons should not be promoted to contractors; that men of merit, men of ability, of the rank should be picked out for those purposes. The Baldwin people would not agree with us. When we brought to the attention of the Baldwin people the case of one contractor who was paying his son \$35 or \$40 a week as an apprentice boy—he was rated in the Baldwin office as an apprentice boy, and for over a year he had been taking home \$35 a week because the father was making too much money—they discharged that man and they discharged his son, but as soon as ever the men went on strike he was put back in his old position again; this here contractor was given the contract that he had been discharged from, sanctioning the condition that existed there before and exists there to-day.

Acting Chairman WEINSTOCK. That doesn't quite touch the point.

Mr. TOBIN. I know it doesn't, but it is a part of it.

Acting Chairman WEINSTOCK. The point is this, Mr. Johnson in his statement said that his experience made it clear to him that unionism makes for the dead level. We want to get your point of view on that.

Mr. TOBIN. My point of view is that it does not make for a dead level.

Acting Chairman WEINSTOCK. You dispute that?

Mr. TOBIN. They do make for a minimum, but they don't make for a maximum for anybody, nor don't retard anybody; but they don't stand for discrimination, either. They believe that the oldest man in point of service—the man that has given the best of his life to a corporation—should have more consideration than a man who has given a week or a month, or a man who is just beginning life, and they believe that he ought to have—and they believe that a practical man should have charge of mechanics, not a novice, not a clerk of an office, or not a plumber over blacksmiths or a butcher over ma-

ehinists, or a baker over machinists, but a practical machinist and a practical blacksmith over those men; not because he is somebody's son or somebody's relative and he has got somebody to fall back on and you are afraid to resent anything he says, or if he puts a price on a job you are afraid to say anything because his father is the boss.

Acting Chairman WEINSTOCK. In other words, as I understand it, Mr. Tobin, the union fixes a minimum wage and not a maximum?

Mr. TOBIN. Fixes a minimum, not a maximum.

Acting Chairman WEINSTOCK. It says that no man shall be paid less than a certain amount, but it puts no strings on him as to how much more he can make?

Mr. TOBIN. No.

Acting Chairman WEINSTOCK. It does not stand for limited output?

Mr. TOBIN. It does not stand for limited output; no. It does not stand for piecework, nor it does not stand for the bonus system, nor it does not stand for taking the last drop of blood that is in a man. They consider a man at least equal to a beast, but if you have a race horse you will not put him in a race two days in succession, but you are working the man under the bonus system 300 days a year without any compunction.

Acting Chairman WEINSTOCK. Well, here, working side by side, Mr. Tobin, the union has fixed a \$3 wage as the minimum, and I as employer think that the other man is worth 25 cents a day more or 50 cents a day more, and rather than lose him I pay that premium—I pay that above the minimum. Will the union stand for that or will the union demand that every man thereafter shall get \$3.25 or \$3.50 a day?

Mr. TOBIN. No.

Acting Chairman WEINSTOCK. Is it true, as it is sometimes alleged by the opponents of organized labor, that if a man dares make himself worth more than the minimum it immediately antagonizes every other union man? Is that true?

Mr. TOBIN. No; that is not true. The facts are these that the employer takes advantage of the minimum and it is the maximum with him.

Acting Chairman WEINSTOCK. That the minimum becomes the maximum?

Mr. TOBIN. With him; yes.

Acting Chairman WEINSTOCK. That he never pays the men more than the minimum rate?

Mr. TOBIN. Only on very rare occasions, when he is forced to do it to retain that man. We establish a minimum rate, and that is their maximum no matter what his merit is, and they get the man for that, the union guarantees the men for that and that is satisfactory to the union, and it makes the maximum.

Acting Chairman WEINSTOCK. Well, to sum up you make two points: First, that organized labor does not make for the dead level?

Mr. TOBIN. No; it does not.

Acting Chairman WEINSTOCK. That organized labor has no objections to a man making himself worth more and receiving more than the minimum which was fixed by the union?

Mr. TOBIN. They are only too glad to see him doing it, because it brings the lower man along with him.

Acting Chairman WEINSTOCK. I notice, Mr. Tobin, a pronounced conflict of testimony between yourself and Mr. Johnson on the question of the treatment of union men. Now, your testimony was to the effect that union men are discriminated against at the Baldwin Works. Here is Mr. Johnson's testimony:

"Q. You operate what I presume is generally called an open shop?—A. Yes, sir.

"Q. Well, now, if I should come to your works wearing a union button, how would that affect my chances of getting a job if I was otherwise fit?—A. It would not affect it at all.

"Q. It would not?—A. No, sir.

"Q. You don't discriminate, then, because I happen to be a union man?—A. No. But if after you were employed we then found you were inefficient, you would not stay.

"Q. Does the application that I would be called upon to fill out ask the question whether or not I am a union man?—A. I don't think it does. I can't answer that. I will produce an application."

Now, you see there is a direct conflict of statement between yourself and Mr. Johnson on that point.

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Mr. TOBIN. Well, if I was given the opportunity I could fill this hall with men who had given good service there.

Commissioner O'CONNELL. Do you know whether the applications ask the question whether a man is union or not?

Mr. TOBIN. I have tried to get one, but I don't believe they get out of the office.

Commissioner O'CONNELL. And do you know men in their employment who have been asked that?

Mr. TOBIN. I am ashamed to say I am afraid to talk to a man looking for a position there, so is every other man known to have union activities. Any man identified with a union can not work there. I know positively that a union man can not work there, and that they have been told so.

Acting Chairman WEINSTOCK. If the Baldwin Works became unionized, if the management should decide to unionize the Baldwin Works, for example, would such unionism interfere with their contract system, their present contract system?

Mr. TOBIN. Not necessarily; no.

Acting Chairman WEINSTOCK. They could operate the contract system under union conditions?

Mr. TOBIN. Yes; they could operate it to better advantage because the committees in the shop would show them where the men were trimming them, were doing them. It would be to their interest to operate a union shop there.

Acting Chairman WEINSTOCK. Were trimming whom?

Mr. TOBIN. Trimming the company.

Acting Chairman WEINSTOCK. Then they were doing that at the expense of the company and not at the expense of the men?

Mr. TOBIN. They are doing it merely at the expense of the company, yes; and at the expense of the men, too. If a contractor gets a—these are some instances: Very often he gives you a job to do, he tells you what he wants and how many he wants, and he makes a mistake, you have done twice as many as you ought to have done or what is needed. The contractor won't pay for them. The men that are under him have to pay for them, and if it comes along again and they need them again then the contractor will get the benefit of it in all cases. He is not the loser; he has got a sure thing all the time.

Acting Chairman WEINSTOCK. That is all, Mr. Tobin, thank you very much.

Mr. BUSIEK. Will Mr. Barba take the stand?

TESTIMONY OF MR. WILLIAM P. BARBA.

Mr. BUSIEK. Please state your name in full for the purpose of the record.

Mr. BARBA. William P. Barba.

Mr. BUSIEK. What position do you occupy, Mr. Barba?

Mr. BARBA. Manager of Midvale Steel Co., Philadelphia.

Mr. BUSIEK. What does this plant manufacture?

Mr. BARBA. Special products in steel, railroad material, ordnance material, guns, projectiles, armor plate, automobile steels, special forgings for the construction of all kinds of heavy machinery; in general, heavy special steel products.

Mr. BUSIEK. And about how many men do you employ in normal times?

Mr. BARBA. That is a little difficult question to answer, because one would have to fix what normal times represent, or what represents normal times.

Mr. BUSIEK. Well, running at maximum capacity?

Mr. BARBA. Five thousand five hundred men.

Mr. BUSIEK. And how many do you employ or what is your minimum in periods of industrial depression?

Mr. BARBA. We are at our lowest point in the payroll of yesterday, with 3,725 men.

Mr. BUSIEK. How are the men employed? Have you an employment bureau?

Mr. BARBA. We have an employment bureau to which every man applies when he seeks employment.

Mr. BUSIEK. Does this employment bureau assign the men to the different departments?

Mr. BARBA. No. A man may apply for employment and he will find at once whether there is a requisition in the employment bureau for the kind of labor that he seeks to offer. For instance, a sign will be posted that to-day we need

machinists, or machinists' helpers, or laborers, etc., down the line. The requisitions each day to the employment bureau from the heads of the departments specify what men they want and their general character. A man offering is then brought into touch with the superintendent of that department even before he sees the foreman under whom he is to work. That superintendent is a trained man who is responsible to the manager's office for the conduct of his portion of the business. He will then seek out the fitness of the applicant and, if he measures up to the requirements, he will then be physically examined for any major defects which would interfere with the safety of his employment; for instance, a man with an incipient rupture or anything of that sort would at once be spotted and told how best to cure the disease from which he might be suffering, after which time he might again apply for employment. But we seek not to employ a man physically unfit for his own benefit as well as for the benefit of the men working beside him whose physical safety depends upon the physical integrity of each and every employee. If he passes the examination of the surgeon who is always on duty every hour of every day, the man is then sent to the foreman of the shop under whom he is supposed to work. If then that practical foreman finds this man is again perfectly fit, he is put to work the following day.

Mr. BUSIEK. Now, does the employment bureau cooperate or receive communications from any central body of employers?

Mr. BARBA. None whatsoever.

Mr. BUSIEK. Do you belong to any association to which other manufacturers either in Philadelphia or any national association, belong—manufacturers in your line?

Mr. BARBA. We have refrained from membership in every organization which could in any way be construed as united to operate collectively in any such direction. When we found, for instance, that the National Association of Manufacturers was taking methods which we did not approve, we at once severed our membership with that organization, even though our dues were paid ahead for a year. And at present the only organizations of that kind with which we have any affiliations are the Railway Business Association, which in no way affects anything that touches employment of labor. When it does, we shall consider severing our membership even with it.

Mr. BUSIEK. Of course you keep a list of your own; that is, the employees who have worked in the plant, your employment bureau I suppose does that?

Mr. BARBA. Yes.

Mr. BUSIEK. Keep records on every man who has worked there?

Mr. BARBA. Yes.

Mr. BUSIEK. And any applicant, of course, who applies for a position in your plant is investigated in your own records?

Mr. BARBA. Yes. That is, if he has ever been employed by us his record is looked up, and if satisfactory he is permitted to be reemployed.

Mr. BUSIEK. If a man should come to your employment bureau and say he had worked at Baldwin's or the New York Ship Building Co., does the employment bureau direct an inquiry to either of those plants concerning this man's record?

Mr. BARBA. You are speaking now of mechanics and similar employees?

Mr. BUSIEK. Yes; mechanics.

Mr. BARBA. We make no such inquiries.

Mr. BUSIEK. Is there any organization amongst the mechanics at your plant—any labor organization?

Mr. BARBA. Our plant is an absolute open shop. There is no single trade in the number of trades that we employ that we know to be organized, but we do know that there are quantities of union men employed in our works beside other men doing similar work who are not union men. I can instance that best by referring to our force of pattern makers, many of whom are union men, and again many of whom are not union men, working under exactly similar conditions.

Mr. BUSIEK. You say that you severed your connection with the National Association of Manufacturers. For what reason was that?

Mr. BARBA. For the same reason that we severed our connection with the National Foundrymen's Association. They sought to use collective means to influence a group of employers with reference to labor and labor matters. We prefer to be absolutely independent from any such association.

Mr. BUSIEK. Well, to be specific, was it because they proposed what you considered was a blacklist?

Mr. BARBA. No; no blacklist was ever proposed to me by any organization.

Mr. BUSIEK. What was this attitude?

Mr. BARBA. They thought to call a meeting, which meeting, I believe, was held—I can not give you the exact facts now, because it has been a number of years back, and my memory is not clear on it—to discuss the whole question of labor and its attitude toward manufacturers in general. We declined to be represented and withdrew our membership.

Mr. BUSIEK. As a large employer of labor, you know generally what attitude they took as the result of that conference?

Mr. BARBA. I do not; we ceased receiving any reports.

Mr. BUSIEK. What proportion of your men are skilled workmen?

Mr. BARBA. Skilled workmen in the direction recognized, the mechanical trades, and of similar trades not usually classed as skilled trades, such as forge men, rollers, etc., it would cover—I can only approximate, but I should say 60 per cent of our men.

Mr. BUSIEK. And where is this supply recruited from? For instance, you say you have some 3,000 men now; that at times you might employ 5,000. I suppose that when things are dull with you they are generally dull with the other big plants here in Philadelphia, such as Baldwin's, the New York Shipbuilding Co., and Cramp's; am I correct in that?

Mr. BARBA. In general we follow the trend of the condition of business; yes.

Mr. BUSIEK. Now, then, when your business picks up there is generally a revival all around, and that means that there is a practical doubling of the numbers of mechanics employed in these big concerns in Philadelphia, which will run up into the thousands. Where does this supply come from?

Mr. BARBA. The men who are at present laid off seek to return to their employment.

Mr. BUSIEK. During periods of depression in Philadelphia alone there are thousands of skilled mechanics who are here waiting for the time when business picks up?

Mr. BARBA. Unquestionably.

Mr. BUSIEK. What effect has that on the labor market here? Has that a tendency to cheapen labor?

Mr. BARBA. It would have a tendency to cheapen labor, if you deemed it wise to have labor cheapened.

Mr. BUSIEK. Well, what is your attitude on that subject?

Mr. BARBA. Our attitude to it has been not to cheapen labor or to allow it to be cheapened.

Mr. BUSIEK. How do the wages you pay compare with the wages paid in other large centers in similar industries?

Mr. BARBA. Well, as compared with other large industries in other cities, except where artificial conditions exist, such as in Washington, we believe we pay higher wages than any other except New York.

Mr. BUSIEK. What do you mean by artificial conditions?

Mr. BARBA. Well, the conditions of employment, such as exist at Washington, you know.

Mr. BUSIEK. You say artificial conditions prevail there?

Mr. BARBA. I do.

Mr. BUSIEK. To what do you attribute that?

Mr. BARBA. They are Government employees; they operate under conditions that do not exist in ordinary industrial establishments open to competition with the world.

Mr. BUSIEK. I understand they work an eight-hour day, for instance?

Mr. BARBA. So do we on similar work.

Mr. BUSIEK. That is, on Government work?

Mr. BARBA. Yes, sir.

Mr. BUSIEK. But on general work you work the 10-hour day?

Mr. BARBA. With certain exceptions, yes; there are certain lines of production in our plant where the conditions of labor are quite severe, notably, in the case of the men forging under big hammers; and a number of years ago, long before the eight-hour agitation by the United States Government, and its statutes, we put all these gangs on eight-hour turns, solely for the benefit of the men, and with the ultimate object of getting a steady, uniform production throughout the whole day of 24 hours, working three eight-hour shifts, when there is sufficient work in the country to warrant it.

Mr. BUSIEK. Then, as I understand it, where competition does not interfere you give the men as favorable hours as in other places?

Mr. BARBA. Quite so.

Mr. BUSIEK. Would you be in favor of a national law, if such a law were possible, which would create a minimum wage and an eight-hour day which would put you on a basis of equality with all competitive plants, and which would enable you to pay more—or to pay the present scale of wages for an eight-hour day?

Mr. BARBA. Absolutely; and to-day we are suffering from the absence of exactly such a law. To-day, with a portion of our men obliged to work eight hours, we have naturally been compelled—although little compulsion was necessary—we at once voluntarily did it—to put all of the men in those shops on eight hours' work in the place of ten, with the result that the proportion of wages paid in, for instance, No. 1 machine shop, on work on which we are obliged to work eight hours, is only about one-sixth of the total wages paid in the shop, the other five-sixths of those wages we have been obliged to put on an eight-hour basis and suffer from the loss of a low-selling cost by reason of that five-sixths of the wages in that particular shop.

Mr. BUSIEK. Then your idea is that large employers of labor would welcome an eight-hour day if that were made universal and every one was put on a basis of absolute equality?

Mr. BARBA. I can not answer for other large employers of labor, because, as I have already indicated, we refrain purposely from associating ourselves in certain groups. But for our own company, we unquestionably would welcome a universal eight-hour day, provided all our competitors are put on a level basis with us in every State in the Union. We would then, of course, have to suffer—seriously suffer—in endeavoring to sell our products out of this country, because an eight-hour day does not prevail anywhere else.

Wage scales abroad in no sense compare with ours, and to-day we are compelled to forego selling quantities of our overproduction in this particular period, because we can not meet the selling prices originating in Europe in some establishments.

Mr. BUSIEK. What has been your experience as to the eight-hour day as to the quantity of work turned out? Does it represent 80 per cent or a higher per cent of the work turned out than that of the 10-hour day?

Mr. BARBA. In operations requiring heavy physical labor of a man such as I instance as a special case, the amount of work per hour has been uniform for the whole eight hours; whereas in the 10-hour day that work was never uniform during the last hour, or possibly two hours of the day. Therefore, those gangs are able to turn out a better production for the whole of eight hours than they were for the last eighth of an ordinary 10-hour day.

Now, in the mechanical jobs, such as the machine-shop work, where a man really does little work, all he has to do is to set a piece and see to it that the machine does the work, there is absolutely no increased production in eight hours over the early production of 8 hours of the 10-hour day; absolutely none.

Mr. BUSIEK. What method do you employ in your plant toward the redress of grievances by employees in the case of a claimed wrongful discharge?

Mr. BARBA. In the first place, since you mention discharge, the number of discharges is, we hope, small. We do not believe in discharging men except for very gross breaches of conduct. We do not believe in discharging a man for spoiled work. Most of our discharges are for the abuse of liquor, appearing in the works under the influence of liquor, for perhaps quarreling or fighting, which is a very small proportion, and practically never for spoiled work. So that I may say that no efficient man is ever discharged for any such reasons. We do discharge a man who might be employed and who, after a sufficient length of time in our employ, has developed total insufficiency for a job for which he is in any way fitted. We believe it to be good economy for us and for him to discharge a man for whom we have no place with reference to his fitness or efficiency. It never pays, even for the man, to be held in a position of such character that his fitness is below its requirements.

Mr. BUSIEK. A man who is getting along in years, who has given you what you consider loyal service, and he, by reason of age, reaches that point of physical unfitness, do you make any provision for him as a reward for faithful service?

Mr. BARBA. He is continued in our employ as long as he is able to come to the works. When he is physically unable to get within the gates he is pensioned off, and receives his pension each week. We discharge no faithful servant by reason of advancing age or disability.

Mr. BUSIEK. What does your pension amount to?

Mr. BARBA. Quite so.

Mr. BUSIEK. Would you be in favor of a national law, if such a law were possible, which would create a minimum wage and an eight-hour day which would put you on a basis of equality with all competitive plants, and which would enable you to pay more—or to pay the present scale of wages for an eight-hour day?

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Mr. BUSIEK. What does your pension amount to?

ing outside of the day rate absolutely guarantees him his day rate. If the total number of hours required to produce it falls within the number of hours covered by his day rate he gets one-half of the saving in wages. For instance, if the job is one which at his day rate requires 40 hours, and he does it in 30 hours, he gets 5 hours additional; he gets 35 hours instead of 30.

Mr. BUSIEK. That is, if he saved 20 hours off of a 50-hour job he gets—

Mr. BARBA (interrupting). He gets 10 of them.

Mr. BUSIEK. He gets 10?

Mr. BARBA. He gets 10.

Mr. BUSIEK. But the day rate is guaranteed him?

Mr. BARBA. But the day rate is guaranteed him.

Mr. BUSIEK. What has been your experience since the installation of these systems in the increase of output, if any, expressed in percentages?

Mr. BARBA. That is the main difficulty. Each job and each man becomes an individual under that system, and it is most difficult to state that. The tendency, of course, is to induce a man to use every bit of thought in the direction of making short cuts to reduce the time, so that he may benefit by any saving in time that results from the exercise of his best thoughts. I do not believe that it is so much the matter of physical labor as it is a matter of thought—of the best way to reach the desired end.

Mr. BUSIEK. Now, let me get that. You say you think that increased efficiency is attained by more intelligent effort rather than by more fevered physical effort?

Mr. BARBA. Entirely so, because so many of these operations are individuals and are not what is known as repetition work.

Mr. BUSIEK. Do you follow the system developed by Taylor, Emerson, or any of these well-known systems of scientific management or efficiency?

Mr. BARBA. By no means. As I stated in the beginning, we had at least four different systems of premium work in operation.

Mr. BUSIEK. Were they installed by any of these so-called efficiency men?

Mr. BARBA. None of them. We never have had one of them in our plant. Mr. Fred. Taylor was in our employ up to 26 years ago and not since. And Mr. Taylor's developments since that time are somewhat peculiar in character, and I can assure you positively that he would not recognize any of his systems as in present-day operation in the Midvale Steel Co.

Mr. BUSIEK. Then, as large employers of labor, you and your associates have given these so-called efficiency systems considerable study and have read up or even consulted with some efficiency engineers?

Mr. BARBA. We have consulted with no one, though we are aware of all of their published work. And I may say it ends there, because our developments have been peculiar to our own ends and requirements.

Mr. BUSIEK. Wherein do they fall short of being any aid to you?

Mr. BARBA. Too much overhead.

Mr. BUSIEK. You heard Mr. Johnson testify, didn't you?

Mr. BARBA. No; I was unfortunately not here.

Mr. BUSIEK. By too much overhead your theory is, is it, that the checkers and inspectors and the men who make the tables and studies and the time-clock men are nonproducers and make too much of a load for the actual producer to carry?

Mr. BARBA. I think a certain amount of all of that is absolutely essential in order to secure the shortest way to the production of the work. And much of that instruction that is given the individual workman on the job is an absolute essential. But I am convinced, in traveling through quantities of different plants in this country, that it has run to an extreme degree. In many cases they surrender themselves absolutely to the so-called efficiency experts.

Mr. BUSIEK. You said a moment ago that you were an absolute open shop; that you did not discriminate, however, against union men?

Mr. BARBA. In no way.

Mr. BUSIEK. Are you aware that the charge is frequently made that the plant does discriminate against union men?

Mr. BARBA. I have heard charges made here before the commission this morning which I have no doubt have been duplicated against us many times, though never to my own personal knowledge.

Mr. BUSIEK. Are you in close touch with your employment department?

Mr. BARBA. You mean myself personally?

Mr. BUSIEK. Yes.

Mr. BARBA. No; it is impossible to be in close touch with so many things that we have to carry.

Mr. BUSIEK. Would the employment department on its own initiative be authorized to make any such discrimination?

Mr. BARBA. That would be corrected if ever learned that it was ever practiced in even one instance, because our policy is absolutely opposed to such discrimination. We do not care one speck if our employees when we hire them are union or nonunion. What use would it be to us to refuse to hire a man who belongs to a union and hire in his place a man who is not a union employee but might be two hours later. It is absolutely senseless procedure to discriminate at the gate.

Mr. BUSIEK. Well, do you discriminate in the plant?

Mr. BARBA. We do not.

Mr. BUSIEK. Is there any system of espionage in your plant?

Mr. BARBA. Absolutely not. I can submit to the commission letters that will substantiate that statement.

Mr. BUSIEK. We would like to have all things that might be of aid to us.

Mr. BARBA. You may have the letters. Among my papers here I have brought letters which passed quite lately on that subject.

Mr. BUSIEK. If you will just file the letters or copies of them, Mr. Barba, we will appreciate it.

Mr. BARBA. Very good. We will send copies of the letters to the commission. May I read one?

Mr. BUSIEK. One.

Mr. BARBA. "We have Mr. Brown's reply thereto by saying that we are entirely out of sympathy with the proposals carried in this letter and hence can not entertain them."

Mr. BUSIEK. Whom was that letter to?

Mr. BARBA. Addressed to the company, and it offered to introduce espionage methods.

Mr. BUSIEK. Was that from some private detective agency?

Mr. BARBA. Something of the sort. We did not see them and received that letter and wrote that letter in reply, which told them not to write to us again on that subject.

Mr. BUSIEK. Just in passing, do you get many such letters from private detective agencies?

Mr. BARBA. We have received them only from about two sources, and they kept coming, and I stopped it by this method.

Mr. BUSIEK. Have you ever got any such letters from so-called detective agents or similar concerns offering to furnish strike breakers in case of strike?

Mr. BARBA. I can not remember that any of these letters mentioned that.

Mr. BUSIEK. I believe that is all.

Acting Chairman WEINSTOCK. Mr. Delano, have you something to ask?

Commissioner DELANO. Mr. Barba, I understood you to say that you were in favor of an eight-hour day if all employers in competition with you were put on an equal footing? That is, required to be on an equal footing by an eight-hour law. Is that correct?

Mr. BARBA. That is correct. But do not cut it loose from the limitation that I put on that, which is that it prevents us from selling our products abroad, where we are not on an equal footing.

Commissioner DELANO. It puts you at a further disadvantage?

Mr. BARBA. An enormous disadvantage, from which we are suffering this year.

Commissioner DELANO. Then do I gather from that statement that if you and other manufacturers were put on the universal eight-hour day it would increase the cost of production?

Mr. BARBA. It would increase our cost of production by the wages paid, because the wage earner looks at his pay envelope and not at his rate per hour.

Commissioner DELANO. Now, Mr. Barba, who would pay that increased cost in this country?

Mr. BARBA. Of course, the consumer.

Commissioner DELANO. The consumer would pay.

Mr. BARBA. The ultimate consumer.

Commissioner DELANO. I want to ask you one other question, which perhaps you may not want to answer offhand, but perhaps you could give the commission your views in writing. This commission has heard a great deal of testimony, mostly ex parte statements, on the part of the employers and on the part of the workers—against labor in some cases—on general questions in dispute. But what it is seeking is to answer the questions that Congress

has put to it, to try to seek some means or some machinery for settling disputes between employer and employee and finding what the underlying causes are of unrest. Have you any views on that subject, or have you any suggestions to make to this commission that you would be willing to offer us?

Mr. BARBA. You have asked a question—

Commissioner DELANO. Either now or later.

Mr. BARBA. You have asked a question which has occupied the minds of all of us who are in close touch with productive labor through the whole of my business experience of many years—covering 35 years in this one connection. During that period I have been in many, very many relations with the workmen, from the growth of affairs during that period from 400 men when I knew pretty nearly every man by name until the present time, when we seek to inculcate and make operative the principles on which we have been operating during the whole of that period. Therefore I am not, of course, unprepared to discuss your question.

The conclusion to which we are led by long living with this problem is that there is too great chance for misunderstanding between the employer and the employee. There is too great chance for loss of the view that their interests are absolutely identical. There has been too much misinformation fed out to the man who reads the afternoon papers on his way home from work. If these papers would tell the whole truth impartially and not seek to boost the circulation by telling colored half-truths of the affairs which occupy the attention both of the man who reads it and the man who pays for it by his advertising—by the way, we do not advertise—much of this misapprehension of the common problems of all labor would not exist. At present my own conviction is that it has been fostered and fomented to an undue degree, and that if people were educated to a reasonable public use of their individual conscience in the first place we would do collectively what we are all glad to do individually. Every workman would feel that his interests lay with his employers and not against them. There is too much erection of class distinction by attempted legislation. You can not modify human nature and public opinion by legislation. It should be done through close individual education, both of the employer and of the employee. They do not now recognize that their interests are alike. There is to-day no cooperation of intention between most workmen and most employers as is evidenced by the organizations on both sides for combative purposes instead of cooperative purposes; and I do not believe legislation is going to effect the change in the viewpoint, but will crystallize this erection of distinction between the two classes which should not exist. There should be but the one class. The principles on which the Midvale Steel Co. have been operating for 46 years have been those. The results have been that we did know and do know our men more intimately than we believe is commonly the case. The results of that have been a total absence of strikes and disorder with one minor exception, which is rather a ludicrous one, and if you do not mind I will tell you of the only strike the Midvale Steel Co. ever had in its 46 years of experience. It happened in 1899 that our crane operators, operating traveling and other cranes, were mostly young men, active and vigorous and fond of good sports, and they organized an athletic organization where they had boxing matches on Saturday nights. They had one particular match coming out on a Wednesday night, and there were 22 of those men came in ready to go to work and they got together and said they would not go to work, that they wanted to go to the boxing match; and an altercation arose in which those 22 men were discharged, and out of that grew the only labor trouble we have had in our whole existence. It was soon settled, and we have not had anything of the kind since. Nor is there on our part anything except sorrow that there is not more work to deal out to the men who are willing to work to-day. They are all doing their level best to stand through this clouded period and wait for the sun to shine again. During this period I may say that our wages paid our men per week have been maintained remarkably well. We have not cut wages.

Acting Chairman WEINSTOCK. You have not cut either wages nor time?

Mr. BARBA. We have cut time perforce. We are striving to hold our best men in our employ during these times, hoping that something will come up that will enable us to put more of them to work. With that in mind, we are now employing at least 500 more men than we are warranted in employing under the commercial conditions of to-day, because of our investment in those men in their training and ability and equipment, is like an investment in machines and tools, if you like to speak of it that way, and you might just as well break up your tools as to break up your organization.

Commissioner DELANO. Now, Mr. Barba, as I understand your answer, then, you would say to this commission that the remedy is not in legislation. Then what is the remedy? Must we say to Congress and to the people that there is no remedy except that the thing must work itself out by the people coming to their senses and learning how to get along?

Mr. BARBA. Naturally I speak from a smaller sphere of experience than does or will the commission when you shall make your report. But I am convinced from our own experience and our own study, because it is our business to study the movement of these matters throughout not only the country but the world—I am convinced that legislation is going to aggravate the difficulty through the erection of more strongly defined class distinctions between employer and employee. I would suggest that any possible legislation have in mind the removal of these distinctions rather than their upbuilding, and the promotion of the cooperation of intention, which intention is the ultimate good of both employer and employee, which I think can be reached by men who work in the working establishments and by education of both sides.

Commissioner DELANO. That is all.

Acting Chairman WEINSTOCK. Have you some questions, Mr. O'Connell?

Commissioner O'CONNELL. Mr. Barba, what is your impression as to dealing with your employees individually or collectively—the matter of bargaining as to the conditions under which they work, as to their wages, their earnings under the various systems which you have in operation, whether their interests can best be taken care of if they were adjusted with the firm or personally, as I understand you are now doing?

Mr. BARBA. We have had, of course, forty-odd years of experience in individual bargaining. There is no question but that we believe in its complete success. Its fundamentals lie in creating an opportunity for a good man to earn more with us than he can with anyone else, with the education and upbuilding of the less efficient to a point of greater efficiency, up to their capacity for efficiency; the quantity of individual operations that we have to consider as against "repeat" operations makes it quite important that we treat with these special operations as individuals; and it is difficult to do collective bargaining in individual cases. The making of a pattern, for instance. We believe utterly in the creation of the opportunity for every man to earn as much as he wishes to earn, as much as he is able to earn. We make no high limit on the amount of money that a mechanic earns, and our bargaining with a man is an individual contract with him to perform certain work on certain conditions, and he gets the proceeds.

Commissioner O'CONNELL. And what part does he get in making the price of the article he works upon?

Mr. BARBA. He takes no part in making the price for the work he is to do other than this: That price is considered—its elements resolved and the price built up and time note issued to the man. He then goes over it. The rate, you understand, is set when the man gets the work to do. That rate is set for that by conference with the foreman and head of the department, etc., whatever the machinery may be. The man is then given his order to do that work at that price, and in very many instances the man then and there goes over his judgment as to what that piece should pay him and they argue it pro and con, and very frequently the rate is altered and it is an agreement individually for that job at that time with that man that he will do that work for so much. Once he accepts that order for that rate it becomes in effect, not in fact, a contract with that man.

Commissioner O'CONNELL. Suppose he refuses to do the job for the price set.

Mr. BARBA. Then they argue it out and always reach an agreement.

Commissioner O'CONNELL. Now, suppose the same job comes along in a week again.

Mr. BARBA. The revised rate is applied at that time; whatever rate is agreed upon is applicable to that job; if, as you say, it comes along in a week again, the revised rate is then offered to the man.

Commissioner O'CONNELL. That is, every job that comes along, the new contract is based upon the experience as to the former?

Mr. BARBA. Do not misunderstand me in that. If we take an order for 100 pieces and the rate is fixed for the 100 pieces, that governs. But if we take 100 individual orders for one piece, then the last rate is used as the basis for the new, and if it is satisfactory to both men and the company that satisfactory rate becomes the initial rate for the succeeding order.

Commissioner O'CONNELL. I understood you to say, Mr. Barba, that in speaking about the production in eight hours, that in a machine shop, in the operation of machines where the mechanic sets the tool and simply watches the machine, that your experience is that there has been no increased production per hour, because of the reduction of the hours to eight. Is that your opinion solely from the watching of your shop, or would you state that opinion generally?

Mr. BARBA. I would not venture that opinion generally, and it must be taken in connection with our own shop in which most of the tools are large, heavy tools and the operations running a matter of days perhaps and not a matter of hours.

Commissioner O'CONNELL. As, for instance, operating a lathe, turning an article that requires a day's operation in a large lathe—the improved steel that is put into operation in the matter of turning in the last few years—10 years—has the production been increased by reason of that improvement?

Mr. BARBA. Most certainly the production has been increased there by the employment of new agencies of production.

Commissioner O'CONNELL. In your estimation of the amount of production you consider, of course, all the improved conditions?

Mr. BARBA. The record day by day.

Commissioner O'CONNELL. But the absolute amount of work produced by the individual in the same method that prevailed 10 years ago has not increased?

Mr. BARBA. I think it is fairer to compare just two years ago when the eight-hour law was made applicable on all the United States Government contracts, beginning January 1, 1913, and compare the product of December, 1912, with the product, of, say, April, 1913. I am not speaking concretely at all, but on those tools that enjoyed that change there is not noticeable to me any amount of output in April, 1913, over December, 1912, for the very limiting reason that the machinery is the thing that is doing the work and the amount of the employee's physical energy per hour is no greater per hour in the eight hours than in the 10 hours theretofore.

Commissioner O'CONNELL. So it is a matter of two years we have got to get down to that, in your matters of efficiency? And we have been told by those who have been before this commission in the last few months and the Midvale Steel Co. has been often quoted by these efficiency engineers because of their efficiency. I think Mr. Taylor, for instance, Mr. Emerson, and others who have been before the commission. In that continued effort toward efficiency—still higher efficiency—have not the machines been speeded up in two years greater than they were two years ago? Has there not been any extension of efficiency in that time that would make it possible for the machines to produce more to the same man per hour than two years ago?

Mr. BARBA. Unquestionably there has been, because improvements are coming all the time, and it can not be measured by years, but each month; and we are using this month at Midvale a high-speed steel, superior high-speed steel, to that used there last month; and the rates this month for the amount of metal to be improved per unit of time under these conditions are in every respect comparable, so far as the work the man is concerned with, to the same conditions last month. More metal will be required by an improvement in tools on machinery; but again referring to a concrete example of a lathe operation which takes one day, when the man and his helper sets that piece at the beginning of the operations for the day, if it takes 10 hours or takes 8 hours, his work is done, except watching continually the machine or the piece. And no more is required of him to-day with improved facilities than was required of him 10 years ago with the facilities he then had.

Commissioner O'CONNELL. I am intensely interested in this matter, as to whether it is possible for men getting more leisure time and more rest, in other words, reducing the hours from 10 to 8, whether it is possible that greater production, greater efficiency can be secured from the individual man because of his greater rest. Would you, in your own way?

Mr. BARBA. Pick out of the men, improved machinery, improved skill, and all that, what is it that a man does not do that is an increase or that would not give an increase from his own exertions. Stripping it of everything that the company has added to its efficiency and its tools and machinery to produce, what is there left for the man whereby his production is increased or decreased?

Mr. BARBA. Let me understand your question a little more fully. Do you mean that given a machine, tool, excluding operations where the man's physical effort is involved, because there is a large distinction there?

Commissioner O'CONNELL. I am taking the minimum of physical effort. That is, of ordinary labor.

Mr. BARBA. Yes, sir. That then resolves itself into the statement I made a few minutes ago. I believe that most efficiency is obtained by careful thought, planning, and laying out in his own mind, in his own way of the operations that are required by his machining sketch, so that he makes as few retracements, as few miss trips, and as many short cuts to the desired end as it is possible to do; and, in the exercise of this function, that an efficient man is superior in his output and in his earning capacity to a less efficient man.

Commissioner O'CONNELL. I am intensely interested in that proposition, because I am free to confess that you are probably the first man of a great management of a great institution that I have heard say that there was not possibility of an increased production for the individual man on the basis of an eight-hour day over a longer day.

Mr. BARBA. Let me get the matter straight before you, sir. I made a distinction between the operations requiring heavy physical labor. That distinction speaks for itself. I would not for one moment assume that such operations would not be increased in their rate of output per unit of time by reduction from 10 hours to 8 hours. That unquestionably is so.

Let me make another distinction in your own field of machine work. If you take an operation that requires a day's time to complete after the piece has been set in the lathe, then my statement that it is the planning and careful thought of the man to secure in the least time and with the least effort the required end is what expresses real efficiency. The distinction from that could be made in a machine operation where 10 units per day were to be put out, and it required the man to handle and set and take down each piece in turn, that physical effort, lost motions, carelessness of getting his output, etc., would result, and there not only the careful thought and planning of the man, but his careful attention to the fact that he should lose no moves, makes no false moves, comes in, and where he is handling piece after piece in repeat work during eight hours, he is unquestionably going to make a larger output per hour in eight hours than he will per hour in 10 hours, but not in the operations where he does not have to rest and simply has to watch his tool and his piece performing its work.

Commissioner O'CONNELL. There is one other question. How does an individual employee adjust a grievance, if he has one, with your company?

Mr. BARBA. If the individual has a grievance, he comes at once to his foreman or to the superintendent or to the manager if he fails below. No grievance is allowed to go unadjusted to the entire satisfaction of the man. He may be displeased at the decision, but he is assured of its fairness and that he has had a hearing for every grievance that comes up, and they come up not only daily, but hourly.

Commissioner O'CONNELL. So he has a chance to take it up first with his foreman, the superintendent, and the manager?

Mr. BARBA. Yes, sir.

Commissioner O'CONNELL. Who has the final say of the disposition of the man's case, yourself, for instance, as general manager?

Mr. BARBA. The general superintendent of the plant.

Commissioner O'CONNELL. His judgment in the matter is a finality?

Mr. BARBA. Yes, sir; he could appeal behind him to me if he chose. Such a case came up yesterday.

Commissioner O'CONNELL. Do you suppose there are many cases occur in which the individual may, because of timidity, fear of going up so high, would walk out rather than to take it on to the finality of judgment of the concern?

Mr. BARBA. I am quite satisfied that in our own plant the feeling of approachability that we inculcate is such that no man would follow the course that you outline. We take special measures to bring the management, meaning the general superintendent and myself and others into close touch with the workmen, with the leading workmen, and with the foremen.

Commissioner LENNON. Mr. Barba, do you believe that inefficiency has much or little to do with industrial unrest? The inefficiency of workmen?

Mr. BARBA. Your question is capable of an exceedingly broad answer, sir.

Commissioner LENNON. Well, answer it as you please.

Mr. BARBA. I am going to repeat that I believe that the chief fundamental reason for what you term social unrest is the lack of appreciation of a community of interest that the employed man should have with his job and with his employer. On the equally broad statement that a satisfied body of work-

men is the best asset that any manufacturing plant can have, it becomes, therefore, a purely selfish business reason or principle for every employer to use every effort to obtain a condition expressed by a satisfied body of workmen. Where an employer fails in his duty in this direction he is going to experience unrest amongst his employees; he is going to have his employees leave him for a better job on every occasion. In that respect an employee will leave for only a shadow of an excuse, regret it, and try to get back.

Now, for another phase of your question, which I understand to be, Do I believe that inefficiency is a cause of social unrest?

Commissioner LENNON. That is right.

Mr. BARBA. If that were narrowed down to a yes or no answer, I would unquestionably answer yes, because there are to-day any quantity of opportunities for an efficient man to make himself felt and to clutch at the heels of a job ahead of him.

Commissioner LENNON. In your experience, are there a considerable portion of the young men—I suppose you do not come in contact with the employment of women, but of young men entering industry without a proper foundation to do efficient work?

Mr. BARBA. Oh, yes, indeed.

Commissioner LENNON. Do you believe that there is any obligation resting upon organized society to see that boys and girls who are to become industrial workers should have every possible opportunity for such training as will make them efficient?

Mr. BARBA. Yes, sir; unquestionably; and since you speak of the commission's efforts probably resulting in suggested legislation, and you speak of the possibility of recommending—I won't say by the commission, but as an ultimate aim—an eight-hour day in all trades, it would seem to be more nearly in order to recommend legislation which will look toward compulsory educating a man toward his greatest field of efficiency.

Commissioner LENNON. That is vocational training?

Mr. BARBA. Vocational training. It would lift a load off of competing prices if every other concern manufacturing our goods were compelled to do as we are doing. We have established a scale not only for the apprentice boys but for a new class of apprentices; that is, modernly new, who are not boys but are active, promising young men. We don't much care whether they are Americans or not, but, of course, we prefer American-born men. The usual form of apprenticeship has been to take young boys of 17, as a minimum age, carry them for four years through ordinary trades, like machinists, pattern makers, molders, etc., that leaves a large number of occupations uncovered, but a system of apprentices which will build up efficient and well-trained men. Realizing that, we established a system of apprenticeship for men of any age, 20, 25, if you will. We do not inquire particularly into the amount of schooling or mental training that they have had. If they are promising men, as men they are employed as apprentices at good wages, progressing in increase of wages during stated periods through which they pass, through every phase of a job in a gang, so that at the end of a period, say from 24 to 36 months, they have been well paid for the work they have done. They have performed every operation in the gang, are qualified to serve as foremen of that gang, and have been instructed in the branches where their initial education has been deficient.

Commissioner LENNON. Do you believe the public-school system should undertake any phases of this vocational work, vocational training?

Mr. BARBA. I do, indeed; because the experience we have had with students and graduates of the manual training school in Philadelphia have been most satisfactory and most promising.

Commissioner LENNON. That is all I have.

Acting Chairman WEINSTOCK. The hour of adjournment has arrived, Mr. Barba. There are some questions I would like to put to you. Would you be good enough to return after 2 o'clock, Mr. Barba?

Mr. BARBA. Certainly.

Acting Chairman WEINSTOCK. Mr. Johnson will be the first witness, and we will put you on immediately after.

Mr. BARBA. Thank you.

(Recess until 2 p. m.)

AFTERNOON SESSION—2 P. M.

TESTIMONY OF MR. ALBA B. JOHNSON—Recalled.

Acting Chairman WEINSTOCK. Have you any information, Mr. Johnson, that you would care to submit to the board?

Mr. JOHNSON. Yes, sir; there are certain corrections which I wish to make in my testimony yesterday.

The first point which I wish to make clearer: I stated yesterday that under no circumstances do we interchange information in regard to employees with employment bureaus or other employers, other organizations. I wish to correct that to the extent that when others make inquiries from us in regard to the record of any employee, if it seems like a proper inquiry, we always answer it. For instance, we receive inquiries in regard to the record of our employees from department stores, from the traction company, from various railroads, and from others, and such inquiries are answered. When I stated that we did not interchange information, I had in mind the fact that we rarely apply to others for information in regard to the record of employees elsewhere.

I was requested to present a sample of the application which is made out there for employment. I now submit one.

(Johnson Exhibit No. 2, June 24, 1914, the application referred to was submitted in printed form.)

Acting Chairman WEINSTOCK. I notice, Mr. Johnson, that this application blank does not call upon the applicant to state whether or not he is a member of a union.

Mr. JOHNSON. That is true. So far as our employment bureau is concerned, as I stated in my testimony yesterday, it is ignored.

In my testimony yesterday I was asked to give the rates paid to different classes of workmen, and I was unable to do that, because I was unprepared. I have taken pains to ascertain those rates, and either will read them or will submit them, as you wish.

Acting Chairman WEINSTOCK. If they are not too long, you might run over them.

Mr. JOHNSON. There are three columns. The first figure which I will read will be the rate for 1905; the second, the rate paid in 1909; and third, the rate paid in 1914. It should be borne in mind that these are the hourly rates which the workmen are paid, irrespective of their participation in any contract; that if these men had a participation in a contract anything that they make out of the contract is over and above these rates.

Acting Chairman WEINSTOCK. You mean the contractor himself or the men who are employed by the contractor?

Mr. JOHNSON. I mean those who participate in contracts. I wish to make that clear by saying that there are those who participate in contracts and those who work for contractors merely as workmen who do not participate. There are two classes. These rates will apply to both, and only a part of the employees in a contract would participate; that is, where mere employees of the contractor would not have anything beyond these rates. Boiler makers, 29, 26, 33. Now, in explanation of some of the rates paid in 1909 it should be borne in mind that 1908 was a year of extraordinary depression, in which the whole production was only 22 per cent of the normal product, and extraordinary measures had been taken during that year to reduce the cost wherever possible, and in some cases wages had been reduced. Flangers, 46, 52, 54; machinists, 30, 29, 33½; carpenters, 25, 24½, 29; sheet-iron workers, 25, 25, 28; brass finishers, 25, 27, 29½; brass molders, 23, 25, 26; blacksmiths, 39, 39, 44; iron molders, 40, 40, 45.

The question which you asked me, Mr. Chairman, in regard to the percentage of higher wages by reason of the introduction of approved machinery and the corresponding reduction of low-paid men I was unable to answer because it required an analysis of the pay rolls, which is a very laborious operation. It has required a great deal of labor to obtain these figures. In 1905 the percentage of men receiving \$1.50 a day and less was 11.3; in 1909, 1.2; in 1914, 4.5. Therefore, you see, covering the period, there has been a reduction of about 7 per cent. That is much larger—I mean 7 per cent of the total. It is more than 60 per cent if you consider only the class.

Acting Chairman WEINSTOCK. That is, compared with 1905?

Mr. JOHNSON. 1905, 1909, and 1914. The same years I have taken for the other comparison.

Acting Chairman WEINSTOCK. As compared with 1905 the reduction has been 7 per cent; as compared with 1909 there has been a slight increase, I take it?

Mr. JOHNSON. A slight increase. That is due to the extraordinary retrenchment of 1908 and 1909. Wages have not been restored to the normal rates in 1909. From \$1.50 to \$2.50, 43 per cent, 77.9 per cent, 31.3 per cent.

Acting Chairman WEINSTOCK. Will you give me the first and last figures again, please?

Mr. JOHNSON. Forty-one and thirty-one and three-tenths.

Acting Chairman WEINSTOCK. Forty-one and thirty-one and three-tenths?

Mr. JOHNSON. Really, the 1909 figures do not count, and had much better be left out.

Acting Chairman WEINSTOCK. Forty-one and thirty-one and three-tenths?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. About 12 per cent reduction?

Mr. JOHNSON. About 12 per cent reduction.

Acting Chairman WEINSTOCK. Receiving from \$1.50 to \$2.50?

Mr. JOHNSON. \$1.50 to \$2.50. From \$2.50 to \$3.50 the percentage has been increased from 27 to 43.4.

Acting Chairman WEINSTOCK. From what figures?

Mr. JOHNSON. \$2.50 and \$3.50.

Acting Chairman WEINSTOCK. Increased what percentage?

Mr. JOHNSON. From 27 to 43.4.

Acting Chairman WEINSTOCK. That is about 15 per cent.

Mr. JOHNSON. Fifteen per cent of the aggregate; of the whole 100 per cent. From \$3.50 to \$4.50, from 11.4 to 14.2 per cent.

Acting Chairman WEINSTOCK. About 3 per cent?

Mr. JOHNSON. Yes, sir. And those receiving \$4.50 and over, 7.3 per cent; it is now 6.6 per cent, which is a temporary reduction.

Acting Chairman WEINSTOCK. It was how much?

Mr. JOHNSON. Seven and three-tenths.

Acting Chairman WEINSTOCK. And is now?

Mr. JOHNSON. Six and six-tenths.

Acting Chairman WEINSTOCK. That is a fraction of 1 per cent less?

Mr. JOHNSON. A fraction of 1 per cent less; yes, sir; about seven-tenths of 1 per cent less. That I attribute to the present retrenchment—the present economies.

Acting Chairman WEINSTOCK. On the whole, those figures would substantiate your statement of yesterday?

Mr. JOHNSON. Yes.

Acting Chairman WEINSTOCK. That the tendency is upward rather than downward?

Mr. JOHNSON. The whole tendency is upward. The reduction of men from \$1.50 and under from 11.3 to 4.5 per cent and from \$1.50 to \$2.50 from 33 to 41, I think, tells the story.

Acting Chairman WEINSTOCK. The conditions in your plant are the common conditions, industrially; it would conflict with the statement made the other day by Prof. Nearing to the effect that the tendency was downward?

Mr. JOHNSON. When I denied Prof. Nearing's theory yesterday I did so upon general knowledge of the fact that the circumstances are not as stated by him, and I knew that an analysis, an actual analysis of the facts, could not but support my general information upon that subject.

Acting Chairman WEINSTOCK. Now, from your general information of industrial conditions throughout the country, do you believe that the experience of your plant, as shown by your figures, is an exceptional one, or do you believe it is the common condition?

Mr. JOHNSON. I believe it is the common condition in every industrial establishment. It is necessarily so, because in the struggle to cheapen the cost of production and improve the quality of the work large expenditures have to be made for improved machinery. Each of those expenditures is made because you can eliminate a certain amount of unskilled labor. Sometimes the amount of unskilled labor that is eliminated is very large, but to operate those improved facilities you have got to employ men of higher intelligence than those who would have operated the old-fashioned tools.

Acting Chairman WEINSTOCK. Then, what becomes of the statement that we hear made very frequently—I presume more by the academic students than by practical men—that under modern industrialism, by virtue of the introduction of the wonderful labor-saving devices, the skilled worker is steadily being re-

placed by the unskilled worker at a lower wage, and that while the unskilled worker of to-day may be earning more than the unskilled worker did in the past, still that the average wage would not be as high as when there were more skilled workers employed and fewer unskilled workers? What is the answer to that doctrine?

Mr. JOHNSON. My answer to that is that it is not so. There is more demand to-day for highly skilled and intelligent labor and there is a higher reward for such labor than there has ever been before.

Acting Chairman WEINSTOCK. Prof. Nearing, in his statement, pointed out that the machine has to-day taken the place of the men, and that all a man is called upon to do, as a rule, now is to simply watch the machine.

Mr. JOHNSON. The higher the complexity of the machine the more elaborate are its operations, and the more it has to take the place of the man himself the higher grade of man you have to have to care for that machine and the higher compensation he gets, because he shares with his employer to a certain extent in the savings which result from the introduction of the improvement.

Acting Chairman WEINSTOCK. Is it your observation, Mr. Johnson, that the introduction of labor-saving devices in industrial enterprises displaces men and increases the ranks of the unemployed, or that they create more work?

Mr. JOHNSON. They create more work. Temporarily you may displace a few men, but as against that the reduction in cost constantly tends to increasing output, to an increase in the supplying of our own markets, and invading the other markets of the world, so that it furnishes its own compensation, and the tendency is constantly to require more and more men, and those men receive a higher reward as they qualify themselves to do a higher grade of work.

Acting Chairman WEINSTOCK. We had on the witness stand this morning, Mr. Johnson, a Mr. Barba, a very prominent manufacturer, who, among other things, expressed the opinion, when the question was put as to what, in his judgment, was the remedy for industrial unrest, the view that he did not think that legislation would tend to minimize industrial unrest; that the remedy would lie more in the development of the individual and in raising in him higher standards, and so on. Now, we should be very glad, indeed, Mr. Johnson, to get your opinion on this question, as to whether, in your judgment, legislation can be enacted that would tend to minimize industrial unrest.

Mr. JOHNSON. Well, looking over the history, the industrial history of other countries and of the United States, there can be no question whatever that legislation has done much to increase the comfort and the grade of living and the intelligence of workmen. I think that, on the whole, the legislation which has been enacted, whether it has been enacted through the initiative of trade-unions or whether it has been enacted by reason of the advance of enlightened public opinion, it has, in the main, tended to improve the intelligence and the comfort and the position of working people; but, on the other hand, I think that the opinion expressed by Mr. Carter, was it?

Acting Chairman WEINSTOCK. Barba, of the Midvale Steel Co.

Commissioner LENOX. I think, Mr. Chairman, that you did not entirely and correctly quote Mr. Barba; I think he ought to have an opportunity, perhaps right now, to make his answer to that again. I think you did not get it.

Acting Chairman WEINSTOCK. Perhaps not; but that was the impression I got.

Mr. JOHNSON. I want to go on to say I cordially agree with Mr. Barba that the real solution of the question is in the individual rather than in the State.

Acting Chairman WEINSTOCK. But, generally speaking, Mr. Johnson, it is your opinion that legislation can do—

Mr. JOHNSON (interrupting). Legislation can do much.

Acting Chairman WEINSTOCK (continuing). Much to minimize industrial unrest?

Mr. JOHNSON. For instance, I referred in my testimony yesterday to the desirability of an employers' liability bill in the State of Pennsylvania.

Acting Chairman WEINSTOCK. Yes.

Mr. JOHNSON. I think such a bill as that is urgently needed. I think it would contribute a great deal to the happiness and to the amicable relations between employers and employees.

Acting Chairman WEINSTOCK. In expressing that opinion relative to workmen's compensation, Mr. Johnson, so far as you simply expressing your own opinion as an employer, or do you think you are voicing the sentiments of the larger employers generally in the State of Pennsylvania?

Mr. JOHNSON. So far as I know, I am voicing the opinion of the more intelligent and enlightened employers. Of course, I am not authorized to speak for them. That is simply a matter of opinion; but it is my opinion that they hold that view.

Acting Chairman WEINSTOCK. I want to express the opinion right here, Mr. Johnson, that, having had practical experience, being, as the classic poet would say, right in the game, as a member of the California State Industrial Commission, I do know that workmen's compensation does tend to minimize industrial unrest; that it is in the direction of equity and justice and is a protection to both the employer and the worker.

If you are expressing the employers, the larger and more intelligent employers of the State, and if organized labor and labor generally, as I am pretty sure it does, in reference to workmen's compensation, why has it not been enacted in the State of Pennsylvania?

Mr. JOHNSON. The division has been as to whether it should be compulsory or permissive.

Acting Chairman WEINSTOCK. I see.

Mr. JOHNSON. And it was carried over from the last legislature solely upon that ground. There was a division between the manufacturers; the Manufacturers' Association of Pennsylvania prepared a bill which differed in some particulars, and it was regarded as such an important piece of legislation that it was thought wise to the manufacturers, the employers of the State, to have another term to crystallize their opinion.

Acting Chairman WEINSTOCK. The question has been put, Mr. Johnson, whether you considered the responsibility of the industrial establishment toward the matter of conserving the health of employees to the degree of believing in periodical medical examinations?

Mr. JOHNSON. I do not believe in that.

Acting Chairman WEINSTOCK. You do not believe in it?

Mr. JOHNSON. I do not; I think that anything which tends to take away the personal responsibility of the workman, which tends to make him a child rather than a citizen, is unwise. I think that everything should be done that can properly be done to recognize the manhood of the workman, to recognize his responsibility as a citizen, as the father of a family, and as an individual, and when you undertake to enforce periodical health examinations, you are putting him on a par with the children of the public schools.

I think that should be done by the formation of an intelligent public opinion. Our working men are citizens of Philadelphia, and as citizens of Philadelphia they participate in every movement, educational, philanthropic, religious, tending to uplift man, to make them better men.

My opinion is that they should be approached from the point of view of their citizenship, and not from the point of view that they are employees of this or that particular establishment, and when you undertake to exercise a parental relation to them, that moment you start a new reason for unrest.

Acting Chairman WEINSTOCK. You saw that open letter in last evening's Post?

Mr. JOHNSON. Yes, sir.

Acting Chairman WEINSTOCK. Do you care to discuss that at all?

Mr. JOHNSON. The article to which you refer, after making a reference to myself, which is unimportant, quotes a letter addressed to you as chairman of the Industrial Relations Commission, which letter is dated June 23, and with your permission I will read it [reading]:

HARRIS WEINSTOCK,

Chairman Industrial Relations Commission.

DEAR SIR: According to your program, Alba Johnson, head of Baldwin's Locomotive Works, has been asked to testify before your commission in regard to industrial conditions.

I do not know what information Mr. Johnson proposes to give or that you expect to get from him. I venture, however, to call your attention to the following facts in connection with the Baldwin Works. I believe that Mr. Johnson's comment on these facts would be of great interest both to your commission and to the general public:

Two years ago the News-Post made an investigation of the industrial conditions existing in the Baldwin plant. It discovered that workers were being maimed and injured at the startling rate of from 15 to 30 a day.

These figures can be readily substantiated from the records of the Garretson and Medico-Chirurgical Hospitals.

In one week in January, 1913, a total of 93 workmen were so seriously injured that each had to receive hospital treatment.

These figures refer solely to the Broad Street plant and do not include casualties at the Eddystone branch.

Testimony of men employed at Baldwin's is unanimous that this terrible record of injuries is largely due to the lack of protective devices on the machinery and the absence of a real compensation law.

In reference to the latter I would call your attention to the case of James Edsburg. This man was crippled for life in an accident in Baldwin's, losing one leg in a heroic and successful effort to save a fellow worker from death. Edsburg had been employed in the locomotive works at \$2.50 a day of 10 hours. It took him two years to get his case before a jury, every step being bitterly contested by Mr. Johnson's company. After he had finally won a verdict of \$25,000, the case was appealed to the Supreme Court, where the verdict was affirmed.

The most cursory investigation will show that Baldwin's, in common with the Philadelphia Rapid Transit Co. and other large concerns, exhaust every legal trick and technicality to delay and defeat actions for damages. In the case of the Philadelphia Rapid Transit, there are cases in the local courts which have been strung out for 11 years.

The Baldwin workers have been rendered practically powerless to protect or aid themselves through a ruthless campaign against unionism, waged by Mr. Johnson and General Manager Vanclain. This has been carried to such an extent that an employee who even discusses unionism favorably is liable to dismissal, and in one instance a union organizer, who tried to investigate conditions, was shadowed day and night by private detectives.

I trust that these details of the industrial system as practiced by Mr. Johnson's concern will be of interest to you and aid in your investigation.

Yours, very truly,

EDWARD F. ROBERTS, *Editor*.

Mr. Chairman, in my testimony yesterday I referred to the fact that in such a works as ours there are a great number of trifling, unimportant casualties, which can be—as we have the Garretson Hospital immediately opposite our doors, separated only by the street, and the Hahnemann and the Medico-Chirurgical Hospitals only a few blocks away, it is very convenient for these men to run down there and be attended to in the out-patient department instead of taking the trouble to wrap up their sores or have whatever obstacle gets into their eyes, or whatever it may be, attended to by themselves or by a fellow workman.

I acknowledge wholly that if you take the statistics of those hospitals the numbers of cases treated will be appalling. But, fortunately, we are required by the State of Pennsylvania to make a return to them of every accident which takes place, and of every fatality, and I will read from our record for the last three years the number of casualties of all kinds. I might say, that a long experience in administering a large manufacturing concern, such as a locomotive works, and steel works, has shown that with the utmost care that can possibly be exercised it is difficult indeed to get—I mean where heavy machinery is being handled and where there are furnaces and hammers, overhead cranes, and other machinery which is essentially of dangerous character—there is a certain percentage of fatalities, below which it seems impossible to get.

The fact of contributory negligence is one which we can not possibly eliminate. The fact that men become accustomed to the risks of their calling and will heedlessly and recklessly take risks which their foremen and employers would prevent them from taking if they possibly could.

Therefore we regard—I should say, that our experience has shown that one fatality for 2,000 men per annum is about as low as we can get; that is, where we are operating our normal force without increasing by the employment of a large number of new men. When we are largely increasing the force we are taking on hundreds of new men every week, and those men have to be instructed in the risks incident to the calling, then the number of fatalities necessarily increases, and they have gone down to one man per 1,500, and even as low as one man in 1,300 per annum—the number of fatalities.

I might say that 1911 was the first year under which we were required by the present act to make the returns to the legislature, and that is the reason that my records start with that year. It is the first year we made the returns.

In 1911 there were 11 fatalities. I will give you also the number of employees. In 1911 was a period of expansion and the number of employees was approximately 14,000. There were 11 fatalities.

In 1912 there were about 19,000 employees, and there were also 11 fatalities. In 1913 there was an average of 17,500 employees, and there were 2 fatalities. The accident—

Acting Chairman WEINSTOCK. 1913 shows a remarkable, marked decrease from 1911, doesn't it?

Mr. JOHNSON. Yes; because 1911 and 1912 we were building up the force with green men.

Acting Chairman WEINSTOCK. One fatal accident out of an average of 8,500 men a year?

Mr. JOHNSON. Yes.

Acting Chairman WEINSTOCK. Well, that seems a very remarkable showing.

Mr. JOHNSON. Well, I will go further, Mr. Chairman.

Acting Chairman WEINSTOCK. That is hardly necessary.

What we are primarily interested in is the development of the last three years.

Mr. JOHNSON. The reason for going back was to show that the last two years, purely by accident, happened to be years of maximum fatalities.

Acting Chairman WEINSTOCK. The last two years?

Mr. JOHNSON. 1911 and 1912.

Acting Chairman WEINSTOCK. Oh, yes.

Mr. JOHNSON. In only one year preceding that did we ever have so many; 1903 there were 3; 1904 there were 5; 1905, another year of building up, it was the year that we increased enormously, taking in green men, 12; 1906, 8; 1907, 14; 1908, none; 1909, 3; 1910, 5. Then 1911 and 1912, 11 each. So that you see the 11 men in those two years is far above the average.

Acting Chairman WEINSTOCK. Have you a record, Mr. Johnson, for the last two years of the total number of temporarily disabled men—totally disabled?

Mr. JOHNSON. Trivial and every kind?

Commissioner LENNON. Where they are obliged to cease work?

Acting Chairman WEINSTOCK. Yes; where they were obliged to cease work.

Mr. JOHNSON. I have the statistics in the form required by the State of Pennsylvania.

Acting Chairman WEINSTOCK. Will you leave them with our reporter?

Mr. JOHNSON. Yes; I will present them as a part of my evidence.

(The statement here presented by the witness was marked "Exhibit 3, Witness Johnson, June 25, 1914." See Johnson Exhibit No. 3.)

Acting Chairman WEINSTOCK. Now, if you have that in percentage form and can give the percentage for the last three years, we would like to have it, but our time does not permit us to go through the whole of it.

Mr. JOHNSON. These are serious accidents on the basis of a thousand employees.

Acting Chairman WEINSTOCK. What do you mean by "serious accidents"?

Mr. JOHNSON. Where a man is obliged to cease work for four days or more.

Acting Chairman WEINSTOCK. Is that the way the law provides?

Mr. JOHNSON. That is the way the law provides. The law requires us to return two classes of accidents; Those who are away from four days to two weeks are not regarded as serious; but if a man is away for more than two weeks it is regarded as serious. That is the classification. Taking both of those combined, the number of accidents for 1911 was 2.9 per thousand; for 1912, 4.2 per thousand; for 1913, 4.3 per thousand.

I wish to say that the reason for the increase in 1912 is because the law was amended to change the report from four days and upward to two days and upward.

Acting Chairman WEINSTOCK. So that it is not a fair comparison?

Mr. JOHNSON. Not a fair comparison.

Acting Chairman WEINSTOCK. Then you have no means of giving a fair comparison?

Mr. JOHNSON. I have no means for that.

Acting Chairman WEINSTOCK. Then this difference between the 2.9 per cent of 1911 and the 4.2 of 1912 might be explained by reference to this shorter

period of time in which the accidents might have been considered to be worthy of report?

Mr. JOHNSON. Yes, sir. We have to include all two days and upward.

Acting Chairman WEINSTOCK. Then the result for 1912 and 1913 is substantially the same, 4.2 and 4.3?

Mr. JOHNSON. Yes, sir; omitting that very important consideration.

Acting Chairman WEINSTOCK. The 1914 report, I presume, is not yet out?

Mr. JOHNSON. No; I have not the record. I can say this: You asked me how many cases there are, four days and over, for 1911 there were 14, and for 1912, 23, and for 1913, 27.

Acting Chairman WEINSTOCK. Have you made comparisons, Mr. Johnson, between your record or the results of your figures, with figures presented by other correspondingly large industrial enterprises especially?

Mr. JOHNSON. Yes; with the Pennsylvania Railroad.

Acting Chairman WEINSTOCK. And how do they compare?

Mr. JOHNSON. Ours are more favorable.

Acting Chairman WEINSTOCK. Of course, that is a railroad and is more hazardous?

Mr. JOHNSON. I mean only their shops. Their shops at Altoona are precisely similar in character to mine.

Acting Chairman WEINSTOCK. And you say in that comparison yours are more favorable?

Mr. JOHNSON. Ours are more favorable.

Acting Chairman WEINSTOCK. You mentioned, among other things yesterday, that your company introduced every conceivable safety device?

Mr. JOHNSON. With your permission, Mr. Chairman, I would like to dispose of this subject. Now, this letter refers particularly to a claim brought against us—a case of James Edsburg—and therefore it is fair to the Baldwin Locomotive Works to explain the circumstances of that case. [Witness refers to a newspaper clipping, exhibit, Witness Johnson, June 25, 1914.] This man was not an employee of the Baldwin Locomotive Works, but was an employee of a firm of structural workers named Brand & Stewart, who were contractors erecting crane runways in Seventeenth Street.

Edsburg was not our employee. He was not under our orders and was not under our jurisdiction. Our contract with the contractors contained a clause that they should assume all responsibility for personal liability. This man climbed down from the crane runway which he was engaged in erecting in front of an approaching crane which was running below and he had his leg crushed and injured. We naturally contested the case, because he was not our employee. He was not under our jurisdiction. The contractors had entered into a special covenant to protect us against such cases as that, and, furthermore, what he did was in disobedience of orders. The men had been particularly cautioned not to do precisely the thing which he did. I think that is a sufficient answer. It is hardly worth while to take up your time further.

Acting Chairman WEINSTOCK. In your statement yesterday, Mr. Johnson, you testified that, so far as the Baldwin Locomotive Works were concerned, there was no discrimination between union and nonunion men; that the question is not asked of a man when he makes application for employment; and that you are utterly indifferent as to whether a man is or is not a union man?

Mr. JOHNSON. You correctly express my testimony.

Acting Chairman WEINSTOCK. We had on the witness stand this morning Mr. Tobin, who is the vice president of the International Brotherhood of Blacksmiths, and he took very decided issue with you. He disputed that statement and gave as his positive testimony that union men were discriminated against.

Mr. JOHNSON. If union men come into our works and accept employment and are faithful and competent workmen, the question as to their being union men is not raised.

Acting Chairman WEINSTOCK. Is Mr. Tobin here?

Mr. TOBIN. Here.

Acting Chairman WEINSTOCK. Do you care to ask Mr. Johnson any questions on that point?

Mr. TOBIN. I think Mr. Sykes would be better able to answer than Mr. Johnson. If I am not mistaken, Mr. Sykes was a party to it—where men who were returning to work after the strike in 1911 had to tear up their union books and deliver their union books at Eddystone to the superintendent of the shops there. And to-day there are good, valuable men who had given to the Baldwin Locomotive Works good service—good mechanics—and while they scoured the

country a year and a half ago for men they refused to give those men employment. They have made application on several occasions, at different points, and not by political influence or anything else could they get back to work. They could not get back because they had been union men.

Acting Chairman WEINSTOCK. You say Mr. Sykes is the gentleman that would—

Mr. TOBIN (interrupting). Mr. Sykes would know more about it, I imagine, than would Mr. Johnson.

Acting Chairman WEINSTOCK. Would you be good enough, Mr. Johnson, to have Mr. Sykes drop us a line—

Mr. JOHNSON. Mr. Sykes is here.

Acting Chairman WEINSTOCK. Oh, I see. Perhaps Mr. Sykes will take the stand?

TESTIMONY OF MR. JOHN P. SYKES.

Acting Chairman WEINSTOCK. Will you give your name and occupation?

Mr. SYKES. John P. Sykes, general superintendent of the Baldwin Locomotive Works.

Acting Chairman WEINSTOCK. Now, will you proceed, Mr. Sykes?

Mr. SYKES. Mr. Johnson has correctly stated our position in the matter—that we do not discriminate or care whether our men belong to unions, any more so than we do care whether they belong to the Masonic order, or to the Methodist Church, or to the Presbyterian Church, or to the Catholic or Baptist Church. We don't seek to pry into their affairs in that respect. All that we ask of a man is that he conform to the rules of the establishment, that he produce according to the position in which he is placed and paid for to produce, and that he be a law-abiding workman of the Baldwin Locomotive Works. We do, however, object if a Presbyterian in our employ should seek to convert the whole establishment to the Presbyterian faith. We naturally would take an active interest in the proceedings of that individual. So, too, a man who is a member of a union and who endeavors to convert all of the workmen of our establishment to his particular way of thinking; we do object to his pernicious activity, which may be against the rules of the establishment or the best interests of the business which we are seeking to perpetuate or make successful. The complaint which the gentleman, Mr. Tobin, referred to did take place, but it was an ill-advised action of a subordinate official, and it occurred immediately after the labor troubles that we had in 1911, when probably some of our subordinate officials were overzealous in the beginning; and when they did take exception to the overzealous activity of a great many men who participated in that movement and who they felt were not desirable as employees. We do reserve the right to ourselves, Mr. Chairman, to employ those we seek to employ and to reject those we do not care to take into our employ.

Acting Chairman WEINSTOCK. Your position, then, as I understand it, Mr. Sykes, is that while as far as Mr. Tobin's statement is concerned, while that circumstance may have occurred, it was two or three years ago, and while it did happen, those conditions do not prevail to-day?

Mr. SYKES. As I understand, it happened only at that particular time. I have never heard of it happening at any other particular period, nor do we approve of any such action as that, and I personally stopped the whole affair, because, as I said, we should not discriminate against any man in that manner.

Mr. TOBIN. I would like to ask Mr. Sykes if a book, a due book, of the boiler makers—of a member of the International Brotherhood of Boiler Makers and Iron Ship Builders' Union was not found upon the floor of the boiler shop within the last two years, and that 70 men in that one department did not lose their jobs and was hired over again the next day on account of that? I ask if that is not true?

Mr. SYKES. Not to my personal knowledge. I never heard of such a thing in any particular case. I do know that after the strike troubles of 1911 a great many workmen were so disgusted with their organization that they belonged to that they threw their books away and we did pick up a good many books of that character from the floor of the boiler shop. But to my knowledge no man was ever discharged in such a manner or in such a way or by such method as you have described.

Mr. TOBIN. I have in my mind now the case of a man that served there as a blacksmith, a man who lost an eye, a man that was considered one of the most valuable men in the blacksmith shop. His name was McPhillips—James Mc-

Phillips. He was one of the committee that served along with the other committees representing all the trades that waited upon Mr. Vauklane. That man has been discriminated against. Before he became a union man he was as good a man as ever worked on an anvil in the Baldwin shop and one of the men that the rest of the blacksmiths looked up to as a leader among them. Now, that man to-day is unable to get into the Baldwin shop. And if it would be necessary I could bring several hundred men to this meeting who are discriminated against and can not work in the Baldwin shops because they were union men. I can bring a man here who worked 40 years for the Baldwin people, who was a contractor there, who held a responsible position, and he was reduced in order to give some relative a position; and he has been discriminated against and he can not go back there again. This morning there was a gentleman here who worked for 25 years in the boiler shop and he told me that he had been discharged a week ago by Mr. Morgan, and that he asked the reason, and he was told, "None of your business; we are running this place; get out." That is the treatment that the men have been getting. The pattern makers here will tell his committee or tell you of individual discriminations that have been made in the pattern shop of the Baldwin plant. It may not be from the management—I have always contended, as an employee of the Baldwin, working there 12 years, that the management of Baldwin's, if they were in closer touch with their men, that things would be more satisfactory there than they are—

Acting Chairman WEINSTOCK. May we just ask you, Mr. Tobin, to present your questions?

Mr. TOBIN. I have no questions to ask unless my testimony has been disputed. If any of it is disputed, I would like to be heard from.

Acting Chairman WEINSTOCK. Is there anything further that you care to offer?

Mr. SYKES. I have said that we did not discriminate against a man on account of his belonging to an organization as long as he behaved himself and conformed to the rules of the establishment and acted in a manner becoming a citizen of the Commonwealth and an employee of the Baldwin Locomotive Works.

Commissioner LENNON. I am afraid I could not work for you, because I would want to make Presbyterians of everybody up there. [Laughter.]

Acting Chairman WEINSTOCK. Just one word, Mr. Johnson. Mr. Delano wishes to inquire.

TESTIMONY OF MR. ALBA JOHNSON—Recalled.

Commissioner DELANO. I want to ask you the same question that I asked Mr. Barba. This commission has been hearing a good many ex parte statements from employers and from the employed on the issues; and we would like to hear from both sides any one who has suggestions that will reach the difficulties that we are trying and have been appointed by Congress to solve. If you have any suggestions that will aid the commission, that you care to make, we will be glad to hear them; and I should think from your long experience as an employer of labor you may be able to help us; and I, for one, would be very much obliged if you would submit orally now, or at some future time in writing, to this commission, what those suggestions are—whether you agree with Mr. Barba that not much can be accomplished by legislation, or as to what kind of machinery, if anything can be created, is needed in order to enable the employer and the employee to get together without resorting to strikes and lockouts?

Mr. JOHNSON. Well, I am hardly prepared, without careful reflection, to make recommendations which would be really helpful and constructive. I should want to give it very careful and mature thought, and therefore I would prefer not to be questioned upon that to-day.

As a matter of fact, you, as a railroad man, know that legislation has been going on at a rate that has rather kept us out of breath in following it up and digesting it. And while, as I have said, I believe that much of this legislation has been wise and beneficial, at the same time there is a great deal of it, and it is very difficult to keep abreast with all that is being proposed. Therefore I think that I should want to be very careful and give very careful thought to any recommendations I would make.

Commissioner DELANO. If you should have any recommendations to make later on, will you do so?

Mr. JOHNSON. Yes, sir.

Mr. TOBIN. May I ask a question?

Acting Chairman WEINSTOCK. Yes.

Mr. TOBIN. The question of apprenticeship was brought up yesterday in the Baldwin plant, and he made a statement that it was not successful, and that you do away with apprenticeship there on account of its being not successful.

Mr. JOHNSON. Yes, sir.

Mr. TOBIN. I stated this morning the reasons I believed it was not successful. I told this commission this morning that in some cases it was successful and it was very successful. Those cases was only where the boss's son or the contractor's son was the apprentice, but where the unfortunate fellow that was taken out of Gerard College, or brought from some family that had not any influence in there to look after him, that he was put upon a job that was most profitable to the contractor, while the company paid this apprentice boy—I was aware of that—but the contractor got the benefit of this boy's work, and put him on jobs that paid him the largest returns and kept him on there; they put the boy in a position, after learning his trade, to send him out and put him on an ice wagon or moving van. Did you know of that condition?

Mr. JOHNSON. I do not credit that?

Mr. TOBIN. You don't credit that?

Mr. JOHNSON. No, sir.

Mr. TOBIN. Would you believe it if I would bring victims; if I brought victims to you would you believe it?

Mr. JOHNSON. Well, as against that I should want to bring also a large number of foremen and assistant foremen, heads of departments who have been the products of the apprenticeship system and who are not favored.

Mr. TOBIN. That may be true, but I am only talking of the shop in which I worked—the blacksmith shop.

Then, there is another question—the question of merit and promotion. I believe that you testified here yesterday that the positions of contractors and foremen was invariably given to men of merit; that their ability was taken into consideration, their organizing ability and their ability to handle men and getting results, and all that. I have in my mind now, or this morning I testified here that in one instance, or in some instances, in the Baldwin plant a baker had been taken in because he was the relative of some boss and has been put in as contractor over men, without any experience along that line at all.

I testified here this morning that a butcher was brought in there, and he was made a foreman over the men in the machine shop.

I testified here this morning where boys 21 years old—

Acting Chairman WEINSTOCK (interrupting). I must again call your attention to the fact that you must confine yourself to putting questions.

Mr. TOBIN. I want to ask him whether he knew this to exist?

Acting Chairman WEINSTOCK. Do you care to answer that question, Mr. Johnson?

Mr. JOHNSON. We have no bakers as foremen, and I reaffirm my previous testimony, Mr. Chairman.

Acting Chairman WEINSTOCK. That is all, thank you.

Will Mr. Barba take the stand, please?

TESTIMONY OF MR. WILLIAM P. BARBA—Recalled.

Acting Chairman WEINSTOCK. Did I correctly understand you this morning, Mr. Barba, on the matter of the value of legislation in reaching the underlying causes of unrest?

Mr. BARBA. Will you please give me, in addition to your question, just what understanding my answer gave you?

Acting Chairman WEINSTOCK. Well, the impression, Mr. Barba, that your answer created on my mind was that, in your opinion, we could not look along legislative lines for minimizing industrial unrest; that the problem could not be reached by legislation.

Mr. BARBA. That would involve, sir, the inclusion in my statement, of every contributing feature; whereas my statement was, in my own mind, confined to fundamentals and basic principles.

I have been led to make note here with reference to workmen's compensation by a remark of Mr. Johnson's that workmen's compensation acts as designed are intended, and unquestionably will, allay one prime cause of irritation. I wish

most heartily to indorse that statement and that position and to support that indorsement with just a word with further reference to the paragraph on industrial accidents, treatment of workmen's compensation in Pennsylvania.

The governor three years ago appointed a very able commission, most able, one in whom every employee and every employer and every manufacturer should have every confidence. They held hearings throughout the State and in Philadelphia. We were attracted to the matter because for many years it had been one of our live topics in our methods of treating our employees as individuals, caring for their welfare, even down to their families.

We approached the commission for a draft of their best thought as it then stood. This draft was afterwards enacted or embodied into an act presented to the legislature, where it fell. Before the commission we appeared and supported the principles on which their act was drawn. We wrote to them supporting them in every way and taking the broad ground that a workman was entitled to compensation for every injury in fact without raising the question of his contributory negligence or failure of apparatus, carelessness on his own part, or any other modifying circumstance. And on that broad ground we supported the act.

We invited the commission to pay attention, however, to a few dangerous pitfalls, which they endeavored to correct. The whole thing fell, however, in the legislature and now promises to come up in a form which I personally believe to be one not best calculated to allay industrial unrest in that it is proposed to combine industries within the State into groups to make it compulsory, if you will; that all of these groups shall carry the whole burden of insurance of all accidents falling within the industries comprised in the group. That is the leveling influence, which is the mischief in this proposition, because it becomes every one's business, not the individual's business, so to protect and safeguard his machinery, his plant, and his men, as to minimize for his own benefit the amount that he will have to pay in workmen's compensation.

Acting Chairman WEINSTOCK. You mean you are opposed to the group idea?

Mr. BARBA. I am opposed to the group idea, because if class A spends hundreds of thousands of dollars with equipping its plant with every conceivable device and plant B does not, plant A spends its money and then shares the cost of insuring the accident in plant B, which is mischievous again, too, in raising class distinctions.

Acting Chairman WEINSTOCK. Well, what phases of industrial unrest do you think legislation would not help—be of no avail?

Mr. BARBA. You have turned the question the other way, of course. The vital principal which will operate toward allaying the unrest, industrial or social, is a clear understanding of the mutual problem which should occupy the best attention of every class covered by the problem.

Acting Chairman WEINSTOCK. You think that much of our industrial troubles, then, are due to misunderstandings and one side not knowing the other side better?

Mr. BARBA. Not so much to misunderstanding as to lack of understanding.

Acting Chairman WEINSTOCK. What is the better way to bring about that understanding between employer and worker on a large scale?

Mr. BARBA. Cease recrimination, study the common problem, let the management know the man better, let the man know the management better. Provide means whereby that can be effected. It is being done even in large establishments and with great success.

Acting Chairman WEINSTOCK. Well, now, under what conditions, Mr. Barba, from your experience, do the employers and the workers come to know each other better and to understand each other better? I am speaking now of large enterprises, not where there is just a handful of employees that operate directly under the employers, but in a larger plant like yours or the Baldwin Locomotive Works? Have they better opportunity for coming to a real understanding under a system of individual bargaining, or under a system of collective bargaining?

Mr. BARBA. Under a system of individual bargaining, without question, because in collective bargaining the few speak for the many; in the individual bargaining each individual speaks for himself; he has absolutely free access to every manager from the owner of the plant down.

Acting Chairman WEINSTOCK. Well, you employ under normal conditions about 5,000 men, do you not?

Mr. BARBA. Yes, sir.

Acting Chairman WEINSTOCK. How is it possible for you, for example, to meet every one of those 5,000 men and discuss problems or grievances with them and learn their point of view and their state of mind, so that you are in a better position to meet them? If you did that, would you have time to do anything else?

Mr. BARBA. Do you want me to give you a concrete case?

Acting Chairman WEINSTOCK. I will be very glad to have it; yes, sir.

Mr. BARBA. I shall be required again to go back to the matter of accident prevention. Eight years ago we began on accident prevention by paying close attention to bettering the equipment everywhere. We appointed 70 workmen to spend a day a week at the company's expense in canvassing the works and reporting things which, in their judgment, could be bettered. Not to put a brake on their energy, we never disputed a recommendation. In the eight years that have passed the result is that we have spent a very great deal of money.

The committees now find themselves unable to make any suggestions of material betterment. They make recommendations that are so far-fetched, because the ground has been so thoroughly covered, that their usefulness has been fulfilled; it has dissipated.

During the whole of that period we find by careful analysis of the actual injuries about an average of 73 per cent were chargeable to the careless disregard of appliances provided; that 23 per cent were due to hazards of occupations; that about 5 per cent were due to failure of the company to properly protect the equipment—uncovered gears, or something like that. But that 73 per cent was the unconquerable figure. It persisted.

We then turned our attention to the men themselves. We reorganized the whole matter of safety promotion and accident prevention by dividing the works into 18 districts, each in charge of three men, workmen appointed each 60 days. We then drew a line representing the experience in each of those divisions, and each 60 days we paid a prize of \$10 in gold to each of those three workmen in the division that beats his own record. In other words, each 60 days we stand to pay prizes of \$540 for a total diminution of accidents in all 18 divisions.

In the period just closing we probably pay for 10 of the 18 divisions having beaten their own records. The result has been that in the year it has been in operation the number of accidents has been reduced to 50 per cent.

Now, as to the machinery whereby we get together. Each 60 days we hire the most suitable hall in the vicinity, and we fill it with our men—all these committees, the leading foremen, the leading workmen, and as many more as we can get to fill the hall; probably 300 men—and we have a little talk on the subject of experience in the last 60 days. The men are called up and presented with their prizes. The whole matter is thrown open. What do you do to get your prize, and what do you do? And there was the freest discussion in this room amongst these men. I have personally attended every one of these meetings. All of the superintendents attend them, and we generally manage to throw into the meetings some topic not necessarily germane to accident prevention, but which will excite the attention of the men toward the efforts we are making to approach this feeling of cooperation in every respect. The way the men respond is sufficient warrant for its success up to date, and it is to go on. We can't afford to let it go; it must continue in that line. That is why I tell you in concrete form that this thing that I propose is possible to obtain.

Acting Chairman WEINSTOCK. As an operator on a large scale, Mr. Barba, who do you see to be the disadvantages to the employer of collective bargaining?

Mr. BARBA. That he yields the control of his business to people possibly not in his employ, and, even so, to a small group of men who are then placed in a position to control features of his business that must remain in his grasp if he is going to succeed and get more work for more men.

Acting Chairman WEINSTOCK. What are the disadvantages that you see, from your experience, to the worker himself in collective bargaining?

Mr. BARBA. None, except the general leveling influence of the imposition of a minimum rate, which unquestionably at once becomes a maximum for most of the men. I have had really very little practical experience in the operation of collective bargaining.

Acting Chairman WEINSTOCK. Are the hours shorter, wages higher, working conditions any better to-day than they were, say, 10 or 20 years ago?

Mr. BARBA. Very much so, to all three of your questions.

Acting Chairman WEINSTOCK. What credit, if any, is organized labor entitled to for having aided in those things?

Mr. BARBA. A very great deal of credit, sir, where conditions have been bad, and the bad conditions have been persisted in in spite of all ordinary cooperative pressure. There I would unquestionably support the efforts of organized labor to better what the individual can not succeed in bettering.

Acting Chairman WEINSTOCK. Then you believe that organized labor is a protection to the worker when it comes to dealing with the unfair employer?

Mr. BARBA. Unquestionably.

Acting Chairman WEINSTOCK. That he needs that restraining influence?

Mr. BARBA. He needs that, but what is needed more than that, sir, is the education of the unfair employer to his responsibilities to himself.

Acting Chairman WEINSTOCK. Well, is this or is this not true? You pointed out this morning, I think very effectively, that even under existing circumstances it is extremely difficult for the American manufacturer in the markets of the world to successfully compete with European manufacturers, by virtue of the European manufacturer having longer hours, possibly, and a lower wage scale; is that correct?

Mr. BARBA. That is correct.

Acting Chairman WEINSTOCK. And you further pointed out that if, for example, it were possible to establish a common eight-hour day, that would be a further handicap to the American manufacturers so far as the world markets are concerned?

Mr. BARBA. I should not have created that impression. A further handicap—it would simply accentuate the handicap for the concerns who are compelled to work eight hours, as we are to-day, partly. We individually are feeling that handicap through the use of eight hours in advance of our competitors even in this country.

Acting Chairman WEINSTOCK. Well, now, compared with the American employer, the European employer is the unfair employer, isn't he?

Mr. BARBA. Unquestionably.

Acting Chairman WEINSTOCK. And he sets the pace, and if you can not meet his price you drop out?

Mr. BARBA. We do.

Acting Chairman WEINSTOCK. Very well. Now, does not the unfair American employer in like—along the same line of reasoning, set the pace for the fair American employer?

Mr. BARBA. He does set the pace, and you will remember that qualifying statement, that the employer should not allow his labor to be cheapened, and that the fair employer would welcome, even in the face of the continued disadvantage, with reference to foreign trade, he would welcome the imposition of—I won't say imposition, it is not the right word, but the use, the compulsory use of the eight-hour day in all competing trades throughout the United States.

Acting Chairman WEINSTOCK. Well, I gather, then, this, that so long as there are unfair employers, and I presume there always will be, labor is justified in organizing to protect itself against such unfair employers; is that correct?

Mr. BARBA. Quite so. Should not labor, on the other hand, subject itself to precisely the same control and degree and kind of control that it exacts from its employers?

Acting Chairman WEINSTOCK. That would seem proper.

Mr. BARBA. In Sweden the labor—

Acting Chairman WEINSTOCK (interrupting). What control would you establish?

Mr. BARBA. Incorporate the societies, and make them financially responsible, as they are in Sweden, for instance, and in Denmark.

Acting Chairman WEINSTOCK. Yes. Well, the answer to that—it is not my answer, I am simply quoting the answer of very thoughtful and very intelligent labor leaders with whom I have discussed that very point, and their answer is, that if they should incorporate, it would afford the unfair employer an opportunity to harass them out of existence. The point has been made before this commission that labor ought to be made responsible.

It has also been pointed out to this commission that labor, intelligent labor, does feel its, if not financial, at least, moral, responsibility, and cases have been cited, including, for example, the typographical union and the railway organizations, who regard their agreements as sacred, and observe them sacredly.

Now, if that large body of men can be trusted to hold themselves morally liable for their agreements, why can we not hope that in time all organized labor, as it gains more experience and more education, will likewise hold itself morally responsible?

Mr. BARBA. Do anything you can by education, by influence, or by legislation, to hasten that day, sir.

Acting Chairman WEINSTOCK. Well, you testified also this morning, Mr. Barba, that your shop is what is called an open shop?

Mr. BARBA. Yes, sir.

Acting Chairman WEINSTOCK. That is, you don't—you are indifferent as to whether a man is a union man or a nonunion man?

Mr. BARBA. Quite.

Acting Chairman WEINSTOCK. You simply employ him on his merit and you retain him on his merit?

Mr. BARBA. Quite.

Acting Chairman WEINSTOCK. Supposing the men in your shop should organize and should ask you to deal with them collectively, what would be likely to be your attitude?

Mr. BARBA. You are asking now for a public expression of what would at that time be simply a business policy.

Acting Chairman WEINSTOCK. I see; you would have to take all the circumstances into consideration and determine whether it would be wise or unwise to recognize them?

Mr. BARBA. You would, exactly.

Acting Chairman WEINSTOCK. But if you felt it was wise to recognize them, you would not hesitate to do so and to deal with them?

Mr. BARBA. That is, providing they were in the happy state into which you hope to project them, which I don't agree with you they are now occupying.

Acting Chairman WEINSTOCK. Well, I think that is quite right, Mr. Barba, that the most ardent admirers and advocates of organized labor will tell you and tell me that they have made their full share of mistakes.

Mr. BARBA. You mean by that that they will make no further mistakes?

Acting Chairman WEINSTOCK. Well, they will quit making mistakes when you and I, as employers, will quit making mistakes.

Mr. BARBA. Yes, yes.

Commissioner LENNON. There is just one question I would like to ask.

Mr. Barba, you spoke of the handicap that exists covering the foreign trade under the peculiar circumstances of your plan. Can you tell us as to the difference in per capita production of labor in your industry in Germany and the United States, for instance?

Mr. BARBA. In what form should the answer be, sir, in rate of wages?

Commissioner LENNON. No; in the product per individual.

Mr. BARBA. No; I can not possibly do that. We have no access to, for instance, the German figures. The sole criterion that I can have for the statement that I made this morning is that in the markets of the world we meet prices which, collecting all the labor, from the ore in the beds to the finished article which we meet in competition, being perhaps 90 per cent labor, 95 per cent labor, possibly, in steel products, because ore in the bed has little value, we can not meet those conditions in the world market to-day. We do not get the business for our overflow capacity in the United States.

Commissioner LENNON. You do not know the difference per individual employee of the Krupp, for instance, in comparison with yours?

Mr. BARBA. No; all I know of that is that the report of the average wages paid a year ago by the Krupp Co., which, of course, you have, and the average wages paid here, which, of course, we have.

Acting Chairman WEINSTOCK. Just one more question. Not a great while ago I had an opportunity of hearing Secretary of Commerce Redfield address the San Francisco Chamber of Commerce, who, among other things, made this statement, that despite the fact that the American wage rate is the highest wage rate in the world, the cost per unit is the lowest in the world in many industries, due to the higher efficiency of the American worker, and to the more advanced machinery used in the American enterprises. Is that in harmony with your observation and experience?

Mr. BARBA. I am informed, sir, that in the steel industry, which naturally takes my attention first, and referring in that more particularly to the class of steel products which comprise the great bulk of the tonnage, rails, and struc-

tural shapes, the German, Belgium, and French mills are practically on a par with the latest American mills.

Acting Chairman WEINSTOCK. In machinery?

Mr. BARBA. In machinery.

Acting Chairman WEINSTOCK. You have no advantage over them, then, in that respect?

Mr. BARBA. In modern machinery, no; but we do have an advantage due to the fact that the American mills introduced that machinery at an earlier date, and they followed.

Acting Chairman WEINSTOCK. How about the efficiency of their workers as compared with the American workers?

Mr. BARBA. Of that we can only judge by taking the men who come into this country as immigrants and employ with us, as, of course, so many do.

In fine work, mechanics, there are no better mechanics than some of the foreign peoples, especially the North European peoples. The English, perhaps, do not lend, but they are fairly well up. But if we were to choose of the foreign-born peoples whom we would like to employ we would, of course, take the English-speaking people; second, the North European peoples, and last of all, the south European peoples, and I think that the grading of efficiency goes exactly in that proportion.

Acting Chairman WEINSTOCK. Well, has it been your observation that when the common workman comes to America and enters an American plant that his pace increases over what it was in the beginning?

Mr. BARBA. Very much. Very much increases over what it was in the beginning. The moment he begins to find that he can make more money, he makes it.

Acting Chairman WEINSTOCK. So that if any Belgian or Frenchman—

Mr. BARBA. Worse, the Italian.

Acting Chairman WEINSTOCK. The Italian becomes a more efficient man than he was in his native country?

Mr. BARBA. Simply because he works harder. They do not put forth much effort under their own conditions. Under conditions of encouragement they do, because the reward is there for them to take. The moment they recognize that they go after it.

Acting Chairman WEINSTOCK. On the whole, would you agree or disagree with Secretary Redfield's statement that the cost per unit of American production, by virtue of higher efficiency, is lower than the cost per unit in Europe?

Mr. BARBA. I would like to think so, but I can not speak with full knowledge, not having the figures that the Secretary undoubtedly has collected; but, simply speaking from impression and from observation of the progress by the men whom you have instanced, I am inclined to believe that that is so.

Acting Chairman WEINSTOCK. That is all, Mr. Barba; thank you.

Commissioner O'CONNELL. Mr. Barba, have you a copy which you can furnish to the commission of your report to the State of the accidents of the year 1913, as Mr. Johnson mentioned this morning?

Mr. BARBA. I have not that report, but I can lay it before the commission, and will be glad to.

Commissioner LENNON. Just send it to the commission. You need not bother about bringing it here.

Mr. BARBA. Yes, sir.

Mr. BARBA. I made one statement—or I would like to make a statement since Mr. Johnson's testimony reminded me of it. I was asked, Do we correspond in reference to workmen before employing them. I replied that we do not. We do to the extent that he testified this morning. They answer questions that are put to them. We go one step further, and I will say that clerks, whose integrity must be looked into, and in which we must be assured, we go through their references absolutely all the way down. But I understood your question and answered it negatively, to mean the ordinary wageworker, and my answer should stand for that question.

Commissioner LENNON. It was asked you in the sense of the maintenance of a blacklist to put it in the simple way that everybody understands. That is what we wanted to find out.

Mr. BARBA. I assure you we have no blacklist, but we should reserve the right to establish the integrity of certain classes of employees.

Commissioner O'CONNELL. One final question. You say you believe in your plant, and so would follow out generally that the individual can get redress, be treated fairly as an individual as well, if not better, than if he were dealt with

collectively. Do you believe an individual employed by a concern having its plants scattered all over the United States, employing half a million people, say, or a quarter of a million people, I think it is, the United States Steel Corporation employs—do you think an individual as an individual has as fair a chance with such a great corporation as that to get the adjustment of his grievances or that he has a fair opportunity as an individual against a great combination of that character?

Mr. BARBA. Unquestionably, for the reason that the question of responsibility for reaching a decision that affects the control or conduct, misconduct, efficiency or inefficiency is placed in the manager of the plant where the man is stationed and performs his work. I don't know anything about the scattering of the industry, because all our plants are within one plot, one fence if you will, but in that plant we are a smaller scale, do precisely what you state the United States Steel Corporation does throughout the country. We have 10 departments.

Commissioner O'CONNELL. I cited it because it was large.

Mr. BARBA. Each superintendent of those 10 departments has within reason the final right to discipline the men who are employed under him, and who he knows, meets face to face, and can name every one of them; and he is the best judge as to the fitness of the discipline which he is called upon to impose. If then that workman is not satisfied he can come to the general superintendent or to the general manager.

Commissioner O'CONNELL. But if he would have to go to the president he would have to go to Europe perhaps?

Mr. BARBA. He would after next Saturday; yes.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Barba.

Mr. BUSIEK. I will call Mr. Edward Keenan.

TESTIMONY OF MR. EDWARD KEENAN.

Mr. BUSIEK. Please state your full name.

Mr. KEENAN. Edward Keenan.

Mr. BUSIEK. You are business agent for the International Association of Machinists here, I believe?

Mr. KEENAN. Yes, sir.

Mr. BUSIEK. You may be seated, Mr. Keenan.

Mr. KEENAN. Thank you.

Mr. BUSIEK. How long have you been familiar with the Philadelphia conditions as a machinist, Mr. Keenan?

Mr. KEENAN. Twenty to 25 years.

Mr. BUSIEK. How long have you been in the industry?

Mr. KEENAN. About 20 to 25 years.

Mr. BUSIEK. How long have you been business agent?

Mr. KEENAN. About seven.

Mr. BUSIEK. Do you have a wide acquaintanceship amongst machinists here in Philadelphia?

Mr. KEENAN. Yes, sir.

Mr. BUSIEK. Mr. Keenan, we want to know from you how the wages of machinists compare here with the wages paid in other large industrial cities along the Atlantic seaboard here?

Mr. KEENAN. Well, according to statistics gathered by our organization, the machinists of Philadelphia are the lowest paid of any large city in the United States. In fact, the rate of wages in many cases is lower than third-class cities.

Mr. BUSIEK. What is the prevailing rate of wages here?

Mr. KEENAN. Well, it averages, I believe, generally speaking, about 30 to 33 cents per hour.

Mr. BUSIEK. What is the rate of wages in Baltimore; do you know?

Mr. KEENAN. Baltimore now is practically 37½ cents per hour.

Mr. BUSIEK. And Washington?

Mr. KEENAN. Oh, Washington; it runs up as high—it averages from 45 to 50 cents an hour.

Mr. BUSIEK. And Altoona?

Mr. KEENAN. Altoona is about in the same category as Philadelphia. Altoona, according to our knowledge of the town, is the Pennsylvania Railroad.

Mr. BUSIEK. And how about New York?

Mr. KEENAN. The New York rate is in excess of that in Philadelphia 4 to 5 cents.

Mr. BUSIEK. About how many machinists are there in Philadelphia?

Mr. KEENAN. Well, I never found anybody that could determine exactly how many machinists there were.

Mr. BUSIEK. What is your judgment?

Mr. KEENAN. Our judgment is there is about 8,000 men qualified to do an important part of the machinist's trade, but there is about 20,000 machinists who call themselves machinists.

Mr. BUSIEK. Draw machinist's wages at the Philadelphia rate?

Mr. KEENAN. No, sir. It appears to me everybody who runs a pipe-cutting machine in Philadelphia is classified as a machinist.

Mr. BUSIEK. Is he paid at the Philadelphia machinist rate?

Mr. KEENAN. No, sir.

Mr. BUSIEK. How many members, if you care to answer, has your union?

Mr. KEENAN. I do not care to answer that question for reasons which I will explain later on.

Mr. BUSIEK. Has your union any contracts with any of the larger concerns here in town?

Mr. KEENAN. Not very large concerns; no, sir. We have contracts.

Mr. BUSIEK. What is the union rate where you have contracts?

Mr. KEENAN. Well, the minimum with contracts is 35 cents per hour for one, but the average is from 37½ to 50—a contract shop. They are with smaller concerns.

Mr. BUSIEK. Higher-classed service?

Mr. KEENAN. They require all-around mechanics.

Mr. BUSIEK. To what do you attribute your inability to get contracts with the larger concerns?

Mr. KEENAN. Well, lack of organization.

Mr. BUSIEK. What are the difficulties in the way of organization?

Mr. KEENAN. Well, they are many. The first is discrimination by employers. Discrimination is a general feature of the machinist's industry in the city of Philadelphia. Firms who practice it, or have practiced it to an extent that we noticed it, or that it became prominent, were the Cramp Shipbuilding Co., Baldwin Locomotive Works, and the Midvale Steel Co. Now, I will tell you how we detect the discrimination on the part of the Cramp Co., if you desire.

Mr. BUSIEK. We want to know in general whether or not there is a blacklist. Just make a general statement as to discrimination generally, and whether there is a blacklist.

Mr. KEENAN. I believe there are circumstances in connection with the Cramp case that would show you clearly that it was discrimination.

Mr. BUSIEK. Make your statement in your own way.

Mr. KEENAN. We had several strikes at the Cramp Ship Co., and one of them was about 1901. After that strike took place machinist members of our organization who applied at the employment office in the Cramp Co. for a position were informed by the man who employed them, "Perhaps we do. What is your name?" Most invariably, if the man gave his name and he was interested in the 1901 strike the return answer came that nobody was needed. We have proven that by sending immediately after that man another man into the office who was not connected with that strike and he was hired. We have had men in our organization who worked for the Cramp Co. three times, every time under an assumed name, and that discrimination was apparently to a great extent eliminated after we complained to the authorities in Washington and proposed that the Cramp Co. be not given any more contracts as long as they continued that discrimination.

Now, discrimination in the Midvale Steel Works. About 1911, at the time the sympathetic strike occurred here, there was quite a number of men in the Midvale Steel Works who were in sympathy with that movement, and one or two of them were called into the office by the officials and requested not to participate in that strike, and they did not participate in it, but that a little over 100 of them joined the machinists' union, a local situated in a section of Philadelphia, and that local proceeded peacefully for a time, and a representative of the Midvale was elected president, one treasurer, and another secretary. Immediately following that men were discharged, one, two, and three at a time every week until every man belonging to that local who was employed by the Midvale Steel Works at the time they joined was out of the employment of that company. And then we tried and expelled one of the officials of the lodge on the charge of carrying information into the shop. That was the first discrimination there.

The discrimination in the Baldwin Works has been stated by Mr. Tobin on other parts, and is practically the same on the part of the machinists. The machinists were told that they had to get out of the union to get employment there.

In addition to this question of discrimination, the machinist trade of Philadelphia is alive with detectives and representatives of manufacturers. We have a novel and a very valuable system of detecting those people, which is so valuable that we do not care to make it public; but I will cite you an instance to what extent those firms went, the representatives of those firms went to in this detective business.

About 1907 or 1908 a representative of our organization in Washington received a communication from Camden, stating that a number of men employed in the Pennsylvania Railroad shops desired to form a local of the International Association of Machinists. They gave an address on Lime Street in Camden, which our representative visited, and the woman in the house informed him that those people had secured a room there but they were very seldom in it. However, negotiations were carried on and money was forthcoming, and sufficient signatures to get the charter were presented, and some of the people who were interested came to the office of our organization and interviewed our representative, and everything proceeded lovely until the night of the first meeting of the local. But their efforts to get people to become members or sign for a charter of this organization, this representative, who, by the way, traveled under the name of Gray, had interviewed a man named Le Turno and asked him to become a member of the organization. Le Turno on investigation discovered that, with the exception of perhaps himself, the other signers for the charter were not machinists at all. Le Turno's brother conducted a detective agency in Camden, and through his interest in the work an investigation was conducted. The night the meeting was held Le Turno held the meeting, the detective and his brother also.

About the time the meeting was called to order Le Turno got up and exposed the plot, or the plan concocted by this man Gray and several of his associates. Gray in the meantime had seen Le Turno and the other people in the room and immediately got the charter, which had not been framed, and the books and left the room. We had a warrant sworn out for Gray and placed under bail to be tried. At Camden, N. J., the trial was called; our international secretary was brought from Washington with his books to produce the evidence, and we were informed by the court that Gray could not be found and that they were going to give his bondsmen an opportunity to produce him; but up to the present time we have received no further notice that this trial would ever be held.

On investigation we discovered that Mr. Gray was an employee of the Cramp Shipbuilding Co., and I believe Mr. Cramp admitted to the representative of our organization that this man was in their employ as an inspector. However, the charter and the books disappeared with Mr. Gray, and a number of the people who he had secured told us afterwards that they placed their signatures on this application for a charter for a small piece of change.

This shows the methods that have been employed within the machinists' organization. We know to-day that there exists in the machinists' organization numerous representatives of manufacturers. We have detected them, followed them from one city to another, and one firm in this city, who is very active in employing men, has detectives, is the Railroad Auditing & Inspection Co., which has offices or used to have them in Brown Bros.' building in Philadelphia.

We have had members of our organization sign their contracts. We have had copies of their contracts. We have members of our organization sign their contracts and were shipped out of Philadelphia, and when they did not fulfill the obligations demanded of them by that detective agency, they were told to get home the best way they could; their services were no longer required.

There is other firms employing detectives, notably one of them is the Baldwin Locomotive Works. About a year ago, or a little more, the Industrial—a meeting was held in the State of Pennsylvania, or a conference or committee appointed by the governor of Pennsylvania to gather statistics as to the best plan or the best law to be adopted as a compensation law to be presented to the legislature. There was a representative of the boiler makers' union, Mr. Scott, who appeared before that commission a day following Mr. Vauclain, and in his testimony he contradicted most emphatically every statement that Mr. Vauclain made about the generosity of the Baldwin Co. in dealing with its employees.

Mr. Scott, in addition, committed the crime of giving an interview to a reporter of an evening paper, and this report was published in the paper. The next morning when Mr. Scott arrived at the Parkway Building three men were on the opposite side of the street, one of whom he recognized as a detective, who had followed Mr. Scott during the Baldwin strike, and for two weeks those three men followed Scott all around Philadelphia during the day. As he came into our office in the Parkway Building they remained outside; they escorted him home at night; they were at his house at 6.30 in the morning, and escorted him around the city all day, and it required five or six appeals on his part to the city officials to have those detectives removed and stop them from following him to every part of the city. Those were the same men practically that followed Scott during the Baldwin strike.

Mr. BUSIEK. Let me ask this question: Has your union any known members in the Baldwin or Midvale plants?

Mr. KEENAN. We have members in those plants. I don't know whether the firm knows it or not, but we do, and that is all we think is necessary.

Mr. BUSIEK. Are your men secretive about the fact that they are members of the union?

Mr. KEENAN. Well, I don't know that they are so secretive, but they don't parade it to any extent.

Mr. BUSIEK. Is it a fact, as has been intimated by the witnesses, that the only union men that are discharged are those discharged because of unionism in those plants for actively propagating the principles of their union in the shop?

Mr. KEENAN. No, sir.

Mr. BUSIEK. You insist then that there is a wholesale and general discrimination against any man that belongs to a union, whether he is active or otherwise?

Mr. KEENAN. Yes. I know for this reason: We have knowledge to-day that half a dozen detectives——

Mr. BUSIEK (interrupting). I want a yes or no answer.

Mr. KEENAN. Not in our organization carrying information to those firms.

Mr. BUSIEK. You heard Mr. Barba testify here?

Mr. KEENAN. Yes, sir.

Mr. BUSIEK. Does the union feel that the Midvale Steel people are not sincere in an honest effort to get closer to their men and increase their wages and help them along and better their conditions? Yes or no.

Mr. KEENAN. Well, you mean the Midvale alone.

Mr. BUSIEK. Let us confine ourselves to the Midvale.

Mr. KEENAN. We do not feel that the Midvale, or any other concern in Philadelphia, is sincere in their supposed profession of good feeling toward the men who work in their plant; and our reasons for that is that our experience in institutions where those systems—I believe every system ever designed for the purpose of getting more work out of a man at less cost has been experimented with in Philadelphia. And one of the great difficulties we find with all these establishments that has these systems is that the operation of setting prices almost exclusively rests with the bosses who hire. Where can you show——

Mr. BUSIEK. We are getting away from the question. Is there any sentiment among the union here that the Midvale people are not sincere?

Mr. KEENAN. Yes, sir.

Mr. BUSIEK. In an effort to better the conditions of the men working for them?

Mr. KEENAN. Yes, sir. There is a lack of confidence in the Midvale Steel Works effort.

Mr. BUSIEK. And you think that the discharges of the men in the union ranks are suffered solely because of their union affiliations?

Mr. KEENAN. Yes, sir.

Mr. BUSIEK. I believe that is all.

Acting Chairman WEINSTOCK. Mr. Delano, have you any questions?

Commissioner LENNON. No; I think not.

Commissioner O'CONNELL. Mr. Keenan, what is the general impression as to these beneficial associations that are carried on in these large establishments here? You, as the representative of the machinists' union here, ought to be pretty well in touch with that.

Mr. KEENAN. Almost invariably those associations are carried on at the direction of the firm, and the people who administer it are generally selected at the direction or under the supervision of the management of the company.

Commissioner O'CONNELL. For instance, these savings institutions that are carried on, the one carried on by the Baldwin Co. Do you know anything of that?*

Mr. KEENAN. I know what I heard of it, by the majority of the men, the majority of the men enter into that proposition. Some of them who hold their positions there because they have been led to believe that it is an aid or enables them to retain their position by being a part of that.

Commissioner O'CONNELL. What is the general impression, as you get it, as to the number of accidents occurring particularly in Baldwin's? You read this statement of the open letter last night in the evening paper that Mr. Johnson read here this afternoon?

Mr. KEENAN. I heard recently that the number of accidents had been reduced considerably in Baldwin's, due to the agitation brought about through the appointment of a commission to devise a proper compensation law; but Baldwin's used to be regarded or spoken of commonly as the slaughterhouse.

Commissioner O'CONNELL. What do you know about the contract system? Did you ever work for Baldwin yourself?

Mr. KEENAN. No, sir.

Commissioner O'CONNELL. You come in contact with a number of the men who have worked there and who do work there?

Mr. KEENAN. Yes, sir.

Commissioner O'CONNELL. What do you know about the contract system that exists there?

Mr. KEENAN. The contract system as it exists in Baldwin's I believe is practically the same in the machine shop as it is in any other shop.

Commissioner O'CONNELL. That is in the Baldwin Works?

Mr. KEENAN. Yes, sir. I have heard of contractors who draw \$80 and \$90 per week. There is lots of men in the Baldwin Locomotive Works working to-day on lathes for 25 cents an hour. There is men in the Baldwin Locomotive Works to-day, general mechanics, who do not get more than 30 cents an hour, day in and day out; and there is contractors who draw \$80, and some of them greater, per week. To determine an average rate of wages in the Baldwin Locomotive Works from what I have learned of it, it would be a difficult proposition. Our organization from our experience with the contract and every other system does not have much confidence, by reason of the fact that it is continually being cut, the prices.

I believe the only shop in the city of Philadelphia who carried on a premium system for a number of years without cutting prices was the Newton Machine Tool Co., while the older Newton was living, but as soon as Mr. Newton died the new management instituted the same practice that prevails in other shops, and it resulted in a strike.

Commissioner O'CONNELL. What do you know about the efficiency system that is in operation in the Dodge Co.? Is it the Dodge Co.?

Mr. KEENAN. Link Belt Engineering Co.

Commissioner O'CONNELL. Yes.

Mr. KEENAN. I have always been informed that the Link Belt Engineering Co. and the Tabor Manufacturing Co. were the only two concerns in Philadelphia where the system of Mr. Taylor was in effect in its entirety.

Commissioner O'CONNELL. Do you know anything about the conditions prevailing there as to wages earned by the men, the hours worked, etc.?

Mr. KEENAN. The wages earned by the men in that concern per hour are as great as the wages we receive in some shops we have contracts with.

Commissioner O'CONNELL. Do you know what they are?

Mr. KEENAN. I should judge they run around \$3 per day, \$3.25, or \$3.50.

Commissioner O'CONNELL. Do you know of anyone who does know here the actual conditions prevailing in that shop? We had Mr. Dodge before our commission a few weeks ago, and I would like to verify his testimony. We have a standing invitation to go through his works, but we haven't the time.

Mr. KEENAN. I know people who worked in there and I know people who worked for Tabor. Those shops are the task system.

Commissioner O'CONNELL. They have the regular premium system, the bonus system, the Taylor system?

Mr. KEENAN. The task system.

Commissioner O'CONNELL. Do you know?

Mr. KEENAN. The Taylor system is a task system.

Commissioner O'CONNELL. There is a bonus; they set a minimum rate of 30 cents an hour and they are permitted to make over that?

Mr. KEENAN. That is a premium system.

Commissioner O'CONNELL. Call it what you will.

Mr. KEENAN. The premium system I know in other shops how it is operated.

Commissioner O'CONNELL. I was interested particularly in this shop, because of Mr. Dodge having been before our commission, and the statement that the men were perfectly satisfied with the condition, and that if they had an opportunity to return to any other condition he would undoubtedly have trouble on his hands, or if he tried it, tried to force any other condition.

Mr. KEENAN. In regard to the Dodge Manufacturing Co., about two weeks ago we sent a man out to distribute literature, and he was around there and he got some of the literature and the manager came out and says: "What are you doing this for?" This fellow says, "We wanted to educate the uneducated." He says, "My men don't need any education."

Commissioner O'CONNELL. As a general proposition in the city of Philadelphia in the metal trades, employers are against the men joining the unions, are they?

Mr. KEENAN. Yes, sir.

Commissioner LENNON. Do they keep an office?

Mr. KEENAN. Yes, sir; in the Perry Building.

Commissioner LENNON. Have a corps of employees there?

Mr. KEENAN. Well, they have a representative there. I seen him in here a while ago.

Commissioner O'CONNELL. Never mind that.

Mr. KEENAN. He is here.

Commissioner O'CONNELL. Do they have stenographers and clerks?

Mr. KEENAN. Yes, sir.

Commissioner O'CONNELL. Do they keep an index record of any kind of the employees in the shops here?

Mr. KEENAN. I believe they know every man active in the organization in Philadelphia.

Commissioner O'CONNELL. You don't know. Say that 50 per cent of the members, manufacturers are members, for the sake of the argument—I don't know anything about it—do you suppose that this association keeps an index card system of the names of mechanics employed in each of the members' shops attached to that?

Mr. KEENAN. I have been informed by a representative of one firm that they do. When they employ a man they give him a card and he goes to that shop and goes to work and that card is returned by the firm and he returns it to the office.

Commissioner O'CONNELL. Do all the firms that are members of the Philadelphia Metal Trades Association hire their employees through this general office, or do they hire employees at their own plants?

Mr. KEENAN. That depends—

Commissioner O'CONNELL. Or do they go through this office?

Mr. KEENAN. That depends on whether they have got a great amount of work; if they have then they won't take the trouble, but they will hire them at the shop.

Commissioner O'CONNELL. If you were to make application for employment at the shop, at a shop holding membership in this Philadelphia Metal Trades Association, they would phone or send word to the general office, the office of the association, and there get your record, as it were, where you had been employed or what you had been discharged for?

Mr. KEENAN. They might not phone right away; they would phone and find out within a short time.

Commissioner O'CONNELL. You might be employed, but later on it would be ascertained probably that for some reason or other you were not wanted?

Mr. KEENAN. Yes, sir.

Commissioner O'CONNELL. You believe, therefore, that there is maintained in the office of the Metal Trades Manufacturers' Association in this city a list of the employees and names, etc., of all employees of all firms members of that association?

Mr. KEENAN. Yes, sir.

Commissioner O'CONNELL. And that that list is used against employees in the various shops in this city?

Mr. KEENAN. That depends, as I stated before; if business is very brisk and men are very scarce they very often overlook that thing for the time being.

Commissioner O'CONNELL. Do you suppose then that if you were let out from one shop because of your activity as a union man that your index card sent to the office of the manufacturers' association would be marked that Mr. Keenan was discharged from this plant because of his activity—active in unionism?

Mr. KEENAN. Yes, sir.

Commissioner O'CONNELL. And that information would be furnished to all the firms in the city of Philadelphia holding membership in that association?

Mr. KEENAN. Yes, sir.

Commissioner O'CONNELL. That kind of a record is kept?

Mr. KEENAN. Yes, sir.

Commissioner O'CONNELL. Therefore a man's employment in Philadelphia—I can not imagine how many firms there are attached to it or what number of employees those firms employ approximately—say their total employment covers 10,000.

Mr. KEENAN. Yes, sir.

Commissioner O'CONNELL. Then if you were marked as an unfavorable employee for some reason or other on your card in this general office you are marked then among 10,000 workmen. In other words, you have just one chance in 10,000 not to get employment?

Mr. KEENAN. I believe that.

Commissioner O'CONNELL. I want to get that information.

Mr. KEENAN. I believe when I get out of this job I will have to move out of Philadelphia.

Commissioner O'CONNELL. That is all I have.

Acting Chairman WEINSTOCK. You say, Mr. Keenan, that union men are discriminated against in Philadelphia?

Mr. KEENAN. Yes, sir.

Acting Chairman WEINSTOCK. In the Philadelphia shops?

Mr. KEENAN. Yes, sir.

Acting Chairman WEINSTOCK. As a rule?

Mr. KEENAN. Yes, sir.

Acting Chairman WEINSTOCK. Were you present when Mr. Sykes testified? If I remember rightly, among other things, he stated that they did not discriminate against union men, but that they do object to union men proselyting or doing missionary work on their premises. Now, granting that business agents or organizers are not admitted to solicit for membership during working hours on the premises, is there any good reason why business agents or organizers can not solicit membership from the workers after working hours?

Mr. KEENAN. Well, in a large plant it would require a good many business agents to do the work.

Acting Chairman WEINSTOCK. Granting that it did, if your organization is of such great value to the workers it ought to pay to do it?

Mr. KEENAN. Yes, sir; but I do not believe that the discrimination is only against people who actively solicit members for the organization. I have known men who are very quiet, unassuming men, said very little in favor of the organization, who were told they would have to get out of the organization to get a job there.

Acting Chairman WEINSTOCK. What was the outcome?

Mr. KEENAN. The outcome is some of them are out of work and some are working and somewhere else; perhaps out of the city, and it is pretty hard to keep trace of where they go afterwards. I know of a case of a man in Baldwin's who was active in the strike, couldn't get a job there, was out of work for I guess a year. He secured a job with a railroad company outside of Philadelphia, and he was told after he was there a few days that he would have to get out, that he was one of the Baldwin strikers. He got out; went back again to another to get work and he was hired again under an assumed name, and he is working there to-day under an assumed name.

Acting Chairman WEINSTOCK. Do you know how many machinists there are in Philadelphia, approximately?

Mr. KEENAN. Approximately I should judge about 8,000 or 10,000.

Acting Chairman WEINSTOCK. Out of that number what proportion are union members?

Mr. KEENAN. Well, we do not care to make that public.

Acting Chairman WEINSTOCK. You do not care to speak of that?

Mr. KEENAN. We do not think that would be good policy.

Acting Chairman WEINSTOCK. Are there any closed shops?

Mr. KEENAN. Yes, sir.

Acting Chairman WEINSTOCK. In Philadelphia?

Mr. KEENAN. Yes, sir.

Acting Chairman WEINSTOCK. About how many?

Mr. KEENAN. I would like to state a little instance in connection with our grievances. I have signed agreements with employers in Philadelphia who, in

signing the agreement, made this request of me: This agreement should not be published in your journal or made public, if possible, because—I asked one of them why he should not put the union label on his product. He says, "There are men of influence in the same line of business and some that would use their influence against me in doing business if they knew that I done business with the union."

Acting Chairman WEINSTOCK. The commission is not interested in names, Mr. Keenan. We simply want to know the number of shops that are so-called closed shops.

Mr. KEENAN. Oh, perhaps 10 or a dozen.

Acting Chairman WEINSTOCK. Employing approximately how many men?

Mr. KEENAN. Well, you will get it out of me after a while if you keep on.

Acting Chairman WEINSTOCK. That is our business, Mr. Keenan—to get all the information we can. We do not ask you to give any information that you believe will be to your disadvantage. If you don't think that it is a fair question, simply don't answer it.

Mr. KEENAN. No; I don't care to answer it.

Acting Chairman WEINSTOCK. Very well.

Mr. KEENAN. For the reason I stated to you.

Acting Chairman WEINSTOCK. Are the conditions in Philadelphia any better or any worse than they are in any other Atlantic seaboard business in connection with the machinists?

Mr. KEENAN. I have stated that Philadelphia for machinists is considered the lowest of any eastern large city, I believe; and, in fact, it is lower than some small towns.

Acting Chairman WEINSTOCK. You mean the wages are lower here?

Mr. KEENAN. And hours longer.

Acting Chairman WEINSTOCK. The hours are longer. How about the working conditions; are they any better or worse?

Mr. KEENAN. They are not better here than they are in those towns that have better wages, but the working conditions are not as good in many cases as they are in those towns that have larger wages and lower hours, for the simple reason that they have an organization strong enough to get the wages and hours, and they can bring about the improved conditions also.

Acting Chairman WEINSTOCK. In what eastern city are the working conditions best, from the standpoint of the workers?

Mr. KEENAN. I believe, generally speaking, for machinists, in regard to hours, Baltimore and New York.

Acting Chairman WEINSTOCK. Baltimore and New York?

Mr. KEENAN. In the East.

Acting Chairman WEINSTOCK. That is all; thank you very much.

(Witness excused.)

TESTIMONY OF MR. HARRY W. HAND.

Mr. BUSIEK. Will you please state your name in full, Mr. Hand?

Mr. HAND. Harry W. Hand.

Mr. BUSIEK. What is your position?

Mr. HAND. Vice president and general manager of the Cramp Shipbuilding Co.

Mr. BUSIEK. We do not want to question you very extensively, but about how many hands do you employ?

Mr. HAND. About 4,500.

Mr. BUSIEK. Now?

Mr. HAND. Now.

Mr. BUSIEK. Are you working at your normal force?

Mr. HAND. Just about normal.

Mr. BUSIEK. What length day do you have for the plant in general?

Mr. HAND. We have two working days; we have 8 hours for Government work and 9½ hours for commercial work. In one case it amounts to 48 hours a week on Government work and 51½ hours a week on commercial work.

Mr. BUSIEK. Is yours an open shop?

Mr. HAND. Well, we never call it an open shop; we simply hire anybody that we need whom we can get; I should suppose in the ordinary sense of the term—

Mr. BUSIEK (interrupting). It would be called an open shop?

Mr. HAND. It would be called an open shop. We do not speak of it in that way.

Mr. BUSIEK. Do you discriminate against unions?

Mr. HAND. Not the least.

Mr. BUSIEK. Do you have any spy systems?

Mr. HAND. Not the slightest.

Mr. BUSIEK. Mr. HAND, all these things aside, the thing that this commission is really seeking to do is to find the underlying causes for industrial unrest, and to recommend to Congress such legislation as will produce a state of industrial peace, which will result in the workingman and his employer getting along better. From your experience as a large employer of labor what message would you send to Congress through this commission or what are your recommendations along those lines?

Mr. HAND. Well, I am just simply a plain workingman. I am not a student of economy, and I don't know that I have any remedy to propose for this apparent unrest in the working classes. I couldn't give any remedy.

Mr. BUSIEK. Are you satisfied with conditions as they are—the relations between employers and employees?

Mr. HAND. I am; as they apply to the particular company with which I am interested.

Mr. BUSIEK. That is all I have.

Acting Chairman WEINSTOCK. Mr. Delano, have you any questions?

Commissioner DELANO. No; I believe not.

Commissioner O'CONNELL. What are the wages paid by the Cramp Co., Mr. HAND?

Mr. HAND. At the present time?

Commissioner O'CONNELL. Yes.

Mr. HAND. The total average daywork of the pay roll for the month of April was an average of 249 cents per hour. The total average of the piecework for the same month was 35.3 per hour.

Commissioner O'CONNELL. Now, when you say piecework you mean straight individual piecework; individual men making the contract for the piecework? You have heard of the Baldwin system by Mr. Johnson, and the contracting system; is it something of that order?

Mr. HAND. We have a contracting system there, but it is a very, very small percentage of our pay roll. Of the total pay roll the amount paid out on the contract system is only about 4 per cent; but in regard to the actual building of the ship it probably runs up to 6 per cent. Aside from that it is straight piecework; all straight daywork.

Commissioner O'CONNELL. What percentage of your employees are on straight piecework—in regard to the building of the ship proper?

Mr. HAND. On the building of the actual ship there is about 50 per cent of the day workers.

Commissioner O'CONNELL. That is, those working on the ship?

Mr. HAND. On the ship.

Commissioner O'CONNELL. Now, in the shops?

Mr. HAND. In the shops it is about 4 per cent.

Commissioner O'CONNELL. Piecework?

Mr. HAND. Yes.

Commissioner O'CONNELL. Are the pieceworkers guaranteed a minimum day's wage?

Mr. HAND. No, sir.

Commissioner O'CONNELL. Who sets the prices for the pieceworkers?

Mr. HAND. Well it has been set—it originally came as a basis; we had the piecework rates which were paid on the other side, and those have been amended from time to time by a committee of foremen, assistant foremen, and workers; and I think there has been no change made to it in the last five or six years.

Commissioner O'CONNELL. The piece prices are not changed every time a man gets a job out?

Mr. HAND. No, sir.

Commissioner O'CONNELL. Not a new price list set upon it?

Mr. HAND. No, sir; we have printed books.

Commissioner O'CONNELL. Printed schedules?

Mr. HAND. Printed schedules, which are very rarely altered.

Commissioner O'CONNELL. Will you please furnish this commission with a copy of the printed schedule?

Mr. HAND. I would be very glad to if it is to be considered confidential with the committee.

2886 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Commissioner O'CONNELL. What system have you to take care of your employees in case of accident?

Mr. HAND. We have a beneficial association, composed of the employees of the company, and if you will permit me, I will submit a copy of the by-laws of this association to the commission.

(Received and marked "Hand Exhibit No. 1 of June 24, 1914.")

Hand Exhibit No. 1, entitled "Constitution and By-laws of the Wm. Cramp Mutual Beneficial Society of Philadelphia," was submitted in printed form.)

Commissioner O'CONNELL. That association is kept up by the employees themselves?

Mr. HAND. Entirely by themselves. Here is an annual statement also.

(Received and marked "Hand Exhibit No. 2.")

Hand Exhibit No. 2, folder entitled "Annual Report of the Cramp Mutual Beneficial Association," for the year ending September 30, 1913, was submitted in printed form.)

Commissioner O'CONNELL. The company is in no way interested in that at all?

Mr. HAND. Not the slightest.

Commissioner O'CONNELL. What does the company itself do for the men when they meet with an accident?

Mr. HAND. They pay their full wages until they are able to return to work.

Commissioner O'CONNELL. And supposing they are not able to return to work—they are crippled so they can not return to work?

Mr. HAND. Then we make an arrangement—give them a lump sum—which has been satisfactory. The proof of that is, I think, in the last five years we have only had one or possibly two cases that it was necessary to take into court.

Commissioner O'CONNELL. And who makes that adjustment with the injured workman?

Mr. HAND. Our attorney, sir.

Commissioner O'CONNELL. And if he is not satisfied with the adjustment, then his alternative is to go to court?

Mr. HAND. Yes, sir.

Commissioner O'CONNELL. What are the sanitary—what does your company do to protect the men in a sanitary way?

Mr. HAND. We have washrooms, we have the best accommodations in regard to the privacy of toilets, and we have lockers for them—that is, in regard to the shop. In the shipyards it is not quite so elaborate.

Commissioner O'CONNELL. Do you furnish them any particular kind of water—for instance, ice water, or any method of separate cups that the men use?

Mr. HAND. We have the sanitary fountains. The cup is prohibited in the shop, sir, or in the yard.

Commissioner O'CONNELL. Is there any method of inspection of the employees to ascertain that they are kept in healthy condition and not affected with contagious diseases of any kind?

Mr. HAND. No, sir.

Commissioner O'CONNELL. You have a report that you make to the State regarding the number of accidents occurring?

Mr. HAND. Yes, sir.

Commissioner O'CONNELL. Could you furnish the commission with a copy of that last statement?

Mr. HAND. I can give—

Commissioner O'CONNELL (interrupting). Give us some idea of the number that you have, or could you give us some idea of the number of accidents during the last year?

Mr. HAND. During the calendar year 1913 there was 197 accidents.

Commissioner O'CONNELL. Are those accidents—

Mr. HAND (interrupting). Of all kinds.

Commissioner O'CONNELL. Of all kinds?

Mr. HAND. Yes, sir.

Commissioner O'CONNELL. What proportion were fatal?

Mr. HAND. I think one.

Commissioner O'CONNELL. What was done in that one case, do you recall?

Mr. HAND. No, sir; I can't recall in that one case; but I think—I am speaking entirely from memory now—I think we paid \$1,200 to the family, but I am not sure.

Commissioner O'CONNELL. You do not deal with the employees collectively at all, do you?

Mr. HAND. No, sir.

Commissioner LENNON. Do the men who work on Government work eight hours for a day's work, do any additional work that day before or after the eight hours?

Mr. HAND. Some of them do, but not on that work. It is left entirely to the man whether he wants to do it or not.

Commissioner LENNON. But some of them, then, do work additional hours to make up the 9½ hours that you speak of, or 9¼?

Mr. HAND. Nine and one-fourth, sir.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. Is the hourly rate the same for the 8-hour men as for the 9¼-hour men?

Mr. HAND. No, sir. All the men that work 48 hours a week get the same amount of money in their pay envelopes as the man that works 51¼.

Acting Chairman WEINSTOCK. Well, now, is that not likely to create dissatisfaction on the part of the men who work 51¼?

Mr. HAND. It has not yet so far, sir.

Acting Chairman WEINSTOCK. They are quite willing to see their fellows get the same pay for fewer hours without protest?

Mr. HAND. They have this benefit: The men who work 48 hours a week are compelled to work Saturday afternoons, because they can only work 8 hours in a day on Government work, and the workman that works on commercial work, working 51¼ hours a week, knocks off, makes that up by stopping at 12 o'clock on Saturday, and he therefore has his Saturday afternoon holiday.

Acting Chairman WEINSTOCK. How many hours does he work the remaining five days a week?

Mr. HAND. Nine and one-fourth.

Acting Chairman WEINSTOCK. Yes; he works 9¼?

Mr. HAND. He works 9¼ for 5 days and 5 hours for the sixth day.

Acting Chairman WEINSTOCK. I understand that you deal with your men individually, not collectively?

Mr. HAND. Yes, sir.

Acting Chairman WEINSTOCK. Will you be good enough, for the information of the commission, to point out why, from the standpoint of the employer, individual bargaining is better than collective bargaining?

Mr. HAND. Well, I don't know that I can lay down any well-defined rule that would apply to everything, but we think it applies to our particular business, for the sole reason that in building a ship there are so many trades to be taken into account. I think there are, all told, about 30 or 35 trades in the actual building of a ship, and by the use of collective bargaining we would have to bargain with probably almost an equal number of organizations; and we have never had any trouble since I have been in charge there in regard to conducting the affairs on the basis that we do it, and for the reason that we have not had any trouble I have not paid much attention to any other system.

Acting Chairman WEINSTOCK. I see; how long have you been with the company, Mr. Hand?

Mr. HAND. For 36 years.

Acting Chairman WEINSTOCK. Well, has there been any effort made on the part of your men to establish collective bargaining?

Mr. HAND. I think not since the strike that we had; the strike, by the way, was in 1898, I think, and not in 1901.

Acting Chairman WEINSTOCK. The strike was brought about from what causes? What were the men striking for?

Mr. HAND. Well, I was not in charge at that time; I was just simply a draftsman; and I don't know that I am qualified to say exactly what those causes were, sir.

Acting Chairman WEINSTOCK. Well, now, take two shipbuilding concerns, one dealing with the men on the basis of collective bargaining and the other dealing with its men on the basis of individual bargaining, all other things being equal, which is likely to be able to get the biggest results at the lowest cost?

Mr. HAND. My private opinion is that it is the one doing the separate bargaining.

Acting Chairman WEINSTOCK. The individual bargaining?

Mr. HAND. Yes, sir; individual bargaining.

Acting Chairman WEINSTOCK. Well, then, in the case of the Union Iron Works of San Francisco it must be rather exceptional. In conversation with Mr. McGregor, the president of the Union Iron Works of San Francisco, he informed me recently that the Union Iron Works was at that time building the

largest vessel ever built on the Pacific coast, and that it had secured the contract in competition with the largest Atlantic seaboard shipbuilding concerns; that its bid—I have forgotten now—was either \$30,000 or \$40,000 less than the lowest Atlantic seaboard bid. They work eight hours. They recognize and deal with the iron trades' council, organized labor, so I take it then, from your statement, that their experience must be rather exceptional; that despite the fact that they work on an eight-hour basis, despite the fact that they have collective bargaining, they still can underbid the shipbuilding companies that had individual bargaining.

Mr. HAND. Has the ship been completed at this time?

Acting Chairman WEINSTOCK. He said that they were making it in record time and that the result was, as a whole, to them entirely satisfactory, so much so—they saw so much work ahead—that they were now building the greatest dry dock in the world—the largest dry dock in the world.

Mr. HAND. I am very glad to hear that, because the superintendent of the Union Iron Works was brought up in the Cramp Shipyards, sir; that is, Mr.——

Acting Chairman WEINSTOCK (interrupting). That is Mr. Tynan.

Mr. HAND. Yes; Mr. Tynan.

Acting Chairman WEINSTOCK. I know him very well, personally, and he was also present when Mr. McGregor made that statement, and it seemed to afford him a great deal of satisfaction. Have you any questions, Mr. Delano?

Commissioner DELANO. You are unwilling, Mr. Hand, to make any suggestions to this commission along the line of its duty? It has been required by Congress to make some constructive suggestions. You have had a long experience as an employer. Don't you feel that you could give us some constructive suggestions along those lines either now or later?

Mr. HAND. Well, I think the closer the actual head of the establishment gets to the workmen, the better success he has. It is rather peculiar—the conditions that exist around our place. Almost all the people in the plant have been apprentices, and have grown from the apprentice boy up to positions of great authority. In fact it is not only so with the mechanical department, but it even extends to the financing department, and likewise to the men. We have one workman in our place who has been there for 66 years; we have 25 that have been there for 50 years; we have 60 that have been there for 40 years; we have over 100 that have been there over 30 years. Consequently, men like myself and my assistants under me, know these men by their first names and call them so, and they call us by our first names. We are close to them, and we think that that has been, to a great extent, the reason we have been so free from labor unrest in our particular establishment for so many years past.

Commissioner DELANO. Of course, you can not provide for that by law.

Mr. HAND. No, sir; you can not provide for that by law.

Commissioner DELANO. Do your men live right near your works?

Mr. HAND. A great many of them do. In fact, Kensington at one time was known as the district of shipbuilders of the eastern part of the United States, and many of the old shipbuilders' families still retain their residence up there close by the works.

Commissioner DELANO. Mr. Hand, what is the comparative cost of building a ship, leaving out of the cost the material, in this country as compared with the best European yards? Is it more or less?

Mr. HAND. Very much greater here.

Commissioner DELANO. Then that is so in spite of the greater efficiency, if there is such a thing, in American labor?

Mr. HAND. Well, I can not say; I would not be able to testify that the efficiency of the American workman in the building of a ship is superior to the English, because I don't think it is.

Commissioner DELANO. You don't think it is?

Mr. HAND. No.

Commissioner DELANO. But the actual labor cost on a ship here is more than it is in Europe?

Mr. HAND. Very much greater, sir.

Commissioner DELANO. What are their methods in the European yards? Do they use collective bargaining, generally——

Mr. HAND. That I don't know; I think they do, but I am not sure.

Commissioner DELANO. I think that is all.

Acting Chairman WEINSTOCK. That is all, Mr. Hand, and we thank you very much.

The hearing stands adjourned until to-morrow at 10 o'clock.

(Thereupon, at 4.30 p. m., the hearing was adjourned until to-morrow, Friday morning, June 26, 1914, at 10 o'clock.)

PHILADELPHIA, PA., June 26, 1914—10 a. m.

Present: Commissioners Weinstock (acting chairman), O'Connell, Lennon, and Delano; also, E. H. Busiek, special counsel.

Acting Chairman WEINSTOCK. The commission will come to order.

Mr. BUSIEK. Is Mr. Schwacke here? Will you please take the stand, Mr. Schwacke?

TESTIMONY OF MR. JUSTUS WILLIAM SCHWACKE.

Mr. BUSIEK. Please state your full name.

Mr. SCHWACKE. Justus William Schwacke.

Mr. BUSIEK. I am going to ask you to speak up as much as you can, Mr. Schwacke.

Mr. SCHWACKE. Yes, sir.

Mr. BUSIEK. How do you spell your name, Mr. Schwacke, for the benefit of the gentlemen of the press?

Mr. SCHWACKE. As it is on your program.

Mr. BUSIEK. What is your connection with any association of manufacturers here in town?

Mr. SCHWACKE. I am president of the Metal Manufacturers' Association.

Mr. BUSIEK. What business were you in prior to the time that you became president of this concern?

Mr. SCHWACKE. I was connected and am still connected with William Sellets & Co. (Inc.).

Mr. BUSIEK. You were then and are still connected with the William what?

Mr. SCHWACKE. William Sellers & Co. (Inc.).

Mr. BUSIEK. William Sellers & Co. (Inc.)?

Mr. SCHWACKE. Yes, sir.

Mr. BUSIEK. And they are metal manufacturers, are they?

Mr. SCHWACKE. They are.

Mr. BUSIEK. What class?

Mr. SCHWACKE. Machine tools.

Mr. BUSIEK. Machine tools?

Mr. SCHWACKE. Yes.

Mr. BUSIEK. How long have you been in that business?

Mr. SCHWACKE. Fifty-two years.

Mr. BUSIEK. Fifty-two years?

Mr. SCHWACKE. Yes.

Mr. BUSIEK. And when was this Metal Manufacturers' Association organized?

Mr. SCHWACKE. I think it was in 1905.

Mr. BUSIEK. 1905?

Mr. SCHWACKE. Yes, sir.

Mr. BUSIEK. I hand you a little booklet that I have, purporting to be the constitution and by-laws of your association, revised up to 1910. Is that correct?

Mr. SCHWACKE. I should say this is correct.

Mr. BUSIEK. Have you a later revision than that of 1910?

Mr. SCHWACKE. I don't think so.

Mr. BUSIEK. Then we will make that part of the records in this case.

(Received and marked "Schwacke Exhibit No. 1, June 26, 1914.")

Schwacke Exhibit No. 1, entitled "Constitution and By-laws of the Metal Manufacturers' Association of Philadelphia, revised and amended October 1, 1910," was submitted in printed form.)

Mr. SCHWACKE. If there is a later edition, Mr. Busiek, we will furnish you with a copy of it.

(1913 edition on file.)

Mr. BUSIEK. Now, the purposes of your organization, as gathered from the preamble, I will read just for the purpose of informing the commissioners: "First, to promote better acquaintance and closer social relations between its

members; second, the adoption of a fair basis of just and equitable adjustment of difficulties between employers and employees whereby the interests of both will be properly protected and investigation by proper officers of the association of any difficulty arising between members and their employees which may be referred to them, and the suggestion of means of adjustment." Now, is much stress laid up on the social feature of your organization?

Mr. SCHWACKE. Considerable; yes, sir.

Mr. BUSIEK. Considerable?

Mr. SCHWACKE. Yes, sir.

Mr. BUSIEK. Do you think that that alone would have been sufficient to call this association into being?

Mr. SCHWACKE. No.

Mr. BUSIEK. Then, I take it, its primary object was to deal as an association with the employees of the various members, am I correct in that?

Mr. SCHWACKE. No; I do not think that is a correct interpretation of it, because we do not deal as an association with the employees. The members deal with their employees individually.

Mr. BUSIEK. Well, then, will you explain what sections 2 and 3 of the objects of your association really mean? Just explain it in your own way.

Mr. SCHWACKE. Yes. We had here in Philadelphia difficulty from time to time in securing employees in the various shops, and it was believed when this association was formed, in addition to the social features, that it was very desirable to establish a labor bureau.

Mr. BUSIEK. A labor what?

Mr. SCHWACKE. A labor bureau, as a medium for promptly obtaining workmen and obtaining and giving facilities to the workmen to obtain employment. Philadelphia is a very large city and its workshops are scattered all over the city, so that a man out of work, for instance, in order to ascertain where he could find employment, might spend several days going around the city to find a vacancy, whereas by registering at this bureau—and this bureau was in contact with all the shops of the association very promptly, by telephone, and could place a man in a very few months, and in that way help the employer and very greatly help the employee. In fact, in that respect I think it was a very much greater advantage to the employee than it was to the employer, because many of the employers of the association do not to-day obtain their employees through the labor bureau.

Mr. BUSIEK. What is meant by this, or what purpose, the investigation by the proper officers of the association of any question arising between members and their employees which may be referred to them and the suggestion of means of adjustment?

Mr. SCHWACKE. Well, if a question of difference arose between an employer and his employees which they could not adjust between themselves, that matter was referred to the executive committee of the association, and they considered the subject from both sides and endeavored in that way to reach a harmonious decision between them.

Mr. BUSIEK. About how many members has your association?

Mr. SCHWACKE. At the present time about 55 or 57.

Mr. BUSIEK. And they employ approximately how many men?

Mr. SCHWACKE. At the present amount 8,000 men.

Mr. BUSIEK. Does your bureau—

Mr. SCHWACKE. (Interrupting). I would like to correct that, Mr. Busiek. We have about 8,000 men on our register as employed by the employers, but the association or membership does not return as carefully as they might all their employees, so that it might exceed that a reasonable amount.

Mr. BUSIEK. Is there any requirement that the members return to the central office the names of their employees?

Mr. SCHWACKE. That is one of our rules, but it is not rigidly adhered to and not rigidly enforced.

Mr. BUSIEK. Are the men employed by the individual plants, or are they employed by your employment bureau?

Mr. SCHWACKE. By the individual plants. The employment bureau simply assigns the men seeking employment to the plants.

Mr. BUSIEK. Does your employment bureau keep data on the various applicants?

Mr. SCHWACKE. Oh, yes.

Mr. BUSIEK. And to that extent takes over that data from the individual employers?

Mr. SCHWACKE. No, sir; because the individual employer is expected to keep the same sort of a record as the manufacturers' association.

Mr. BUSIEK. Have you any organized committee to deal with the grievances—any standing committee?

Mr. SCHWACKE. Our executive committee considers grievances that are presented when grievances are presented; but the grievances are not all presented.

Mr. BUSIEK. All grievances are not presented?

Mr. SCHWACKE. Are not presented, because they are adjusted between the employer and his men.

Mr. BUSIEK. How many grievances, approximately, does the executive committee consider during a year?

Mr. SCHWACKE. So few, Mr. Busiek, that they are practically negligible.

Mr. BUSIEK. So few that they are practically negligible, did you say?

Mr. SCHWACKE. Yes, sir. I should say at most—and probably I am not any outside in saying—five or six cases a year, and those are not of much importance.

Mr. BUSIEK. Does the bureau maintain any standard to which a man must conform before he will be registered by the bureau?

Mr. SCHWACKE. Well, we have a certain rule of procedure he is to follow in making out an application.

Mr. BUSIEK. Have you an application with you?

Mr. SCHWACKE. I haven't an application with me, but we will present one before the commission.

(The application referred to was submitted in printed form.)

Mr. BUSIEK. What is the attitude of your association toward the employment of organized labor?

Mr. SCHWACKE. We are indifferent to it. Many of our shops—that is, many of our members—have entire union organizations.

Mr. BUSIEK. Can you tell me how many of your membership do have exclusive union contracts or have the closed shop?

Mr. SCHWACKE. I can not at the moment; I think the secretary, Mr. Morgan, who is scheduled, can answer that very well.

Mr. BUSIEK. Then, this part of the purposes of your organization which deals with the adjustment of grievances between employers and employees is practically a dead arm of your organization, by reason of nonuse, is it not?

Mr. SCHWACKE. By reason of having little or no grievances in it.

Mr. BUSIEK. Do I understand that if a man working for any one of your individual members were to have a grievance against his employer that he would have a right to come to your executive committee and lay his grievance before the committee?

Mr. SCHWACKE. He would.

Mr. BUSIEK. Would that committee have any power of compulsion, should they find against the employer, to cause the reinstatement of this man?

Mr. SCHWACKE. We would; yes. If the case was a just one, we would use every persuasion we could to have that man reinstated.

Mr. BUSIEK. Your powers consist, then, merely of moral suasion?

Mr. SCHWACKE. Certainly.

Mr. BUSIEK. There are no penalties inflicted?

Mr. SCHWACKE. None whatever, unless the case was a very grievous one, and in that event we would expel a member if he did not deal justly with his men.

Mr. BUSIEK. Can you recall any instance where men have been reinstated through the offices of your committee?

Mr. SCHWACKE. To the best of my knowledge, we have had no such application.

Mr. BUSIEK. Has your committee ever dealt with any organization of employees, made any contracts with them?

Mr. SCHWACKE. No, sir.

Mr. BUSIEK. Have you ever refused to deal with any of those organizations?

Mr. SCHWACKE. We have.

Mr. BUSIEK. With what organizations?

Mr. SCHWACKE. Well, that at the moment I could not recall; but, as a general policy, we do not believe in dealing with labor organizations.

Mr. BUSIEK. It is the sense of your body that you do not want to have any dealings with labor organizations?

Mr. SCHWACKE. It is.

Mr. BUSIEK. The policy of the body is committed to that course, is it?

Mr. SCHWACKE. It is; but the membership is free.

Mr. BUSIEK. You are not a believer, then, in the trade-union idea, I take it?

Mr. SCHWACKE. Not in dealing with trade-unions as organizations.

Mr. BUSIEK. Do you think that there is a distinction between the organization of employees for their mutual benefit and protection and between employers for their mutual benefit and protection?

Mr. SCHWACKE. Expressing my personal opinion, I do.

Mr. BUSIEK. Would you mind telling the commission how you justify that view?

Mr. SCHWACKE. One party is responsible and the other is not.

Mr. BUSIEK. Is that the only thing that stands between your association—

Mr. SCHWACKE (interrupting). I am not prepared to say as to that.

Mr. BUSIEK. Personally, would you be prepared—do you care to answer—to deal with the labor union if it should, say, incorporate and obtain financial responsibility?

Mr. SCHWACKE. I might.

Mr. BUSIEK. Am I correct in understanding you to say that you might?

Mr. SCHWACKE. We might feel disposed to do that under those circumstances.

Mr. BUSIEK. I suppose that, in the general strike here in Philadelphia a few years ago, the membership of your organization suffered from the strike like other metal industries?

Mr. SCHWACKE. Some of our members did, and others did not. Some departments of our members did not, and other departments of the same members did.

Mr. BUSIEK. What was the attitude of the association toward employees who had gone on a strike?

Mr. SCHWACKE. At that time?

Mr. BUSIEK. Yes, sir.

Mr. SCHWACKE. As an association, absolutely passive.

Mr. BUSIEK. Has the association any list of names of the men who went on strike?

Mr. SCHWACKE. No, sir; not as the men who went on strike. We have a list of about 35,000 men registered in our association cards.

Mr. BUSIEK. I suppose the fact that those men went on strike shows on the cards?

Mr. SCHWACKE. Not at all; absolutely nothing on the cards.

Mr. BUSIEK. It does not?

Mr. SCHWACKE. No, sir.

Mr. BUSIEK. Don't your cards generally show why a man quit, or when he quit?

Mr. SCHWACKE. No, sir; they do not.

Mr. BUSIEK. What, in general, do those cards show, do your records show?

Mr. SCHWACKE. A man's age, his employment, the time of his employment, and data of that character. Nothing as to union affiliation or anything of that sort.

Mr. BUSIEK. Does it show past employment?

Mr. SCHWACKE. I think our records do show past employment, past employer, and what he was doing.

Mr. BUSIEK. For instance, John Jones worked at the Baldwin Locomotive Works prior to 1911. Your organization was in existence at that time. We will not take the Baldwin Locomotive Works, because I understand they are not members of your association.

Mr. SCHWACKE. They are not members; no, sir.

Mr. BUSIEK. But John Jones worked for you, for instance. The records of your association show the fact that John Jones was working at that time, do they not?

Mr. SCHWACKE. It would show, I believe.

Mr. BUSIEK. At the time he severed his connection, wouldn't that fact appear?

Mr. SCHWACKE. It would show that also; yes, sir.

Mr. BUSIEK. Would it show whether he resigned or was discharged?

Mr. SCHWACKE. It would show whether he resigned or was discharged, whether he had resigned, or whether he was discharged.

Mr. BUSIEK. If discharged, the reason?

Mr. SCHWACKE. No, sir.

Mr. BUSIEK. Not the reason?

Mr. SCHWACKE. Not the reason.

Mr. BUSIEK. No reason which he may have given for his resignation?

Mr. SCHWACKE. I can not answer that, Mr. Busiek. Mr. Morgan is listed on your card and will be able to answer all the details of that.

Mr. BUSIEK. Very well. Then, for the details of your organization we will look to Mr. Morgan?

Mr. SCHWACKE. Yes, sir.

Mr. BUSIEK. For the records?

Mr. SCHWACKE. Yes, sir.

Mr. BUSIEK. In your meetings do you ever discuss the problems of labor?

Mr. SCHWACKE. Oh, yes; of course.

Mr. BUSIEK. It is discussed, both formally and informally?

Mr. SCHWACKE. Yes, sir.

Mr. BUSIEK. And, as president of an association which employs some 8,000 men, you no doubt have pronounced views upon the labor problem of to-day, have you not?

Mr. SCHWACKE. I suppose I have, pretty much as everybody has.

Mr. BUSIEK. Mr. Schwacke, this commission has been charged by Congress to investigate the underlying causes for industrial unrest and to recommend to Congress such measures or such legislation, if any be practical, as will bring employers and employes into a better spirit of cooperation, and to minimize any antagonism which may exist between them as classes, if such classes do exist; and to remove such causes for industrial unrest as do exist. Mr. Schwacke, what would be your best judgment as to the underlying causes for industrial unrest, and what Congress, in its effort to do the right thing, might do to improve such conditions?

Mr. SCHWACKE. Well, that is a very broad question, Mr. Busiek.

Mr. BUSIEK. It admits of a broad answer.

Mr. SCHWACKE. I rather agree with the evidence that was given yesterday by Mr. Barba and Mr. Johnson on those subjects. I don't think that a question of this kind can be remedied by legislation. I think it has to be a matter of development and growth, very largely a mental attitude of the whole community.

Mr. BUSIEK. Are there any steps that you can suggest, as an employer, that might be taken by the employers, for instance, to better attain this end, or do you think that the employers at large are doing the right thing now?

Mr. SCHWACKE. I think they are. I think this movement has probably attained the stage it has by reason of the fact that the employers, as a rule, have been passive, voiceless in any questions, in all these questions that have been presented. The general public and the working classes have heard but one voice all the time. The employer has said nothing. I think that is now changing somewhat. I think the employer is beginning to express himself.

Mr. BUSIEK. Then you do think that the employer ought to more actively—

Mr. SCHWACKE. I don't know whether he ought to, but he has not been active. He has allowed a great many things to be said about him which he knew were not true, and it has been taken up by the public press and passed from lip to lip until it has generally been accepted, and all those things that have been said of the employer in general are true while those who know the employer best know very well that the great majority of it is not true.

Mr. BUSIEK. I believe that is all, Mr. Chairman.

Acting Chairman WEINSTOCK. Mr. Delano, have you any questions?

Mr. SCHWACKE. If you will allow me a moment, as the representative of the metal manufacturers' association I have been testifying. But I also am an officer of William Sellers & Co. (Inc.), a very old concern in this community, and I would like, as reflecting what I have said, to express the attitude of our members.

We were established in 1818, and we have been in this business ever since. We employ, under normal conditions, about 600 to 650 men. At the present time we are employing about 400 men. We have never had but one strike, to the best of my knowledge, since we have been in business, which was in 1905 and 1906, when our flue makers (?) struck in the shop out of sympathy on the part of our molders. We met that by getting other men, and in a very short time we were running under normal conditions. Now, these, about 400 men that we have with us at the present time, 311 of those men have been in our employ for a period of time—very few of them under a year, and running from a year to more than 20 years. Some of them going even over 20 years; not many of them at the present time above 20, but some. And we have some men who have been with us as high as 40 years. Recently we buried one man who had been with us consecutively for 60 years. At the present time I think we have about 40 men in our employ who have been with us over 20 years.

Now, I think it is a reasonable deduction that men who will continue with an establishment for such long periods of years must be reasonably contented

with their employment and with the conditions which exist there and with their management. We never discharge a man without good reason. Our present average, as to the age of our men, is about 40 years; and I don't think our men would have remained with us that length of time unless everything in the shops and the management of the shops were satisfactory to them.

Now, that is the side of the employers' question to which I referred a moment ago that the general public in all these discussions does not hear, and they simply assume that some bad conditions that they do hear of do exist everywhere. It is not true. My observation goes that in the great mass of the men, employers, that I meet they have a great deal of regard for the welfare of their men; that they are humane in their treatment of them and do everything in their power to make their condition as easy as they can.

A few years ago when the question of eight hours was a rather prominent feature I took the trouble to look up some of our old records. It seemed to me that, say, a quarter of a century ought to show whether or not a 10-hour day, for instance, was detrimental to a man's working abilities. I went back a period of 25 years, and took from that period a term of five years and I found that the loss of time in that period from all causes was about 7 per cent. I then took a five-year period 25 years later than that point and I found that the loss of time from all causes was about 5 per cent. It seemed to me rather conclusive that a 10-hour day, as it has always existed in our shop until within a few years, when we had a Saturday half holiday, is not detrimental to the welfare of the men.

Commissioner DELANO. How many employees in the factory of William Sellers & Co.?

Mr. SCHWACKE. At present about 400.

Commissioner DELANO. And what is the normal number?

Mr. SCHWACKE. From 600 to 650, depending on the conditions.

Commissioner DELANO. Now, Mr. Schwacke, I can well understand how an employer such as you represent who has been for many years able to manage his business without any dissatisfaction or manifestation of any dissatisfaction on the part of the employed does not think that anything is necessary; but the general public has got it into its head that some machinery ought to be created which would prevent the explosions, as you might call them, that take place between employer and employee, such, for instance, as is going on in Pittsburgh at this moment. Now, is it your deliberate opinion that that has got to work out its own salvation, that employers have got to create their own machinery for dealing with such matters?

Mr. SCHWACKE. Not at all; oh, no.

Commissioner DELANO. Or that something can be done by and for the public, say by Congress, to create the machinery to get the two sides together?

Mr. SCHWACKE. I thoroughly concur in that, that that is possible; and that laws like our compensation laws which have recently been brought forward, and which we shall soon enact in this State, are highly desirable; and we are very much in favor of it.

Commissioner DELANO. Would you be willing, perhaps now or some future time, to submit to this commission some concrete suggestions? You have had a great deal of experience as an employer—as to what might be done. I suppose if all employers were good employers and all employees were good employees that no law would be necessary; but—

Mr. SCHWACKE (interrupting). Well, I believe, sir, that some laws are necessary. Now, the safety laws that we have been enacting are necessary.

Commissioner DELANO. That is all, Mr. Chairman.

Acting Chairman WEINSTOCK. Have you some questions, Mr. O'Connell?

Commissioner O'CONNELL. I want to ask you a question, Mr. Schwacke, as to the Sellers Co., not with reference to the association, as to which I will leave some questions for Mr. Moyer. Your company has been generally referred to as being one of the first companies to introduce the Taylor efficiency system?

Mr. SCHWACKE. No, sir. We have never introduced the Taylor efficiency system.

Commissioner O'CONNELL. Have you an efficiency system in operation?

Mr. SCHWACKE. I hope so, Mr. Commissioner—

Commissioner O'CONNELL (interrupting). Does your system provide for compensation beyond the daily wage of the men?

Mr. SCHWACKE. Our shop has been straight piecework except one department, the pattern shop, for more than 40 years.

Commissioner O'CONNELL. Individual men make contracts——

Mr. SCHWACKE (interrupting). Yes, sir.

Commissioner O'CONNELL. There are no contractors?

Mr. SCHWACKE. No, sir.

Commissioner O'CONNELL. The piecework rate is based upon the hourly earning rate of the men?

Mr. SCHWACKE. No. The piecework——

Commissioner O'CONNELL (interrupting). Well, just explain briefly.

Mr. SCHWACKE. The piecework rate originally was tried to be worked out that way. Now we have accumulated a mass of data which enables us, although much of our work is not what you call manufacturing—that is repetition—much of our work is single units; we have accumulated a mass of data by which the man and the foreman in the piecework office can very readily get together to establish rates acceptable to all hands.

Commissioner O'CONNELL. What are the earnings, for instance, of your machinists?

Mr. SCHWACKE. Well, they will vary. At the present time they will run from 20 to 42 cents.

Commissioner O'CONNELL. From 20 to 42 cents per hour?

Mr. SCHWACKE. Yes.

Commissioner O'CONNELL. Have you any means of providing first aid when men are injured?

Mr. SCHWACKE. Yes; we, in a minor case, we render aid right in the plant; if it is a more serious case, we are right within five minutes of three good hospitals, right at our doors.

Commissioner O'CONNELL. But you have no particular department or room set aside in the plant for the purpose of taking care of them?

Mr. SCHWACKE. No; we haven't enough fatalities to make it necessary or, in view of the fact the hospitals are so near and so well equipped, desirable.

Commissioner O'CONNELL. You furnish, of course, in compliance with the State law, a statement of the accidents occurring in your plant during the year?

Mr. SCHWACKE. Yes, sir.

Commissioner O'CONNELL. We would be glad if you will furnish us with a copy of it.

Mr. SCHWACKE. With pleasure.

(Mr. Schwacke subsequently submitted the following communication:)

WILLIAM SELLERS & Co. (INC.),
Philadelphia, June 26, 1914.

UNITED STATES COMMISSION ON INDUSTRIAL RELATIONS,

Philadelphia.

GENTLEMEN: Agreeably to the request of your attorney, Mr. Busiek, I write to say that the number of casualties in the works of this establishment in the year beginning June 25, 1913, to this date were 33, all of them of minor character; some, in fact, so trivial that the injured did not cease work, but are mentioned as being necessarily included in our report of casualties under our State law.

The last fatal accident occurring in our works was in January, 1907. The last really serious accident, which resulted in the man losing a portion of his hand, was in 1912. This injury was to a man who had been with us a good many years, running our largest planing machine, who in an instant of thoughtlessness took hold of a revolving shaft, which his duties did not require him to touch at all. He resumed his customary duties as soon as his hand healed, and has been at work ever since.

Respectfully,

J. H. SCHWACKE, *Manager.*

(Copy of Constitution and By-Laws of the Metal Manufacturers' Association, revised to July 1, 1913, marked "Schwacke Exhibit No. 2," of June 26, 1914, was submitted in printed form.)

Commissioner O'CONNELL. Now, can you give us an idea as to the number of accidents per thousand employees, at that rate, or per hundred employees?

Mr. SCHWACKE. No; I can not; but it is a very small number; I can say that.

Commissioner O'CONNELL. Have you had any fatalities in the last year?

Mr. SCHWACKE. No, sir.

Commissioner O'CONNELL. Do you believe that it is possible for an arrangement to be made whereby the Government might organize some department that would have authority, at least prior to a strike occurring, compelling both the employer and the employees to appear before such department or representative of such department with a view to interceding for peace or preventing a strike?

Mr. SCHWACKE. You ask whether I consider such a plan would be practical? Commissioner O'CONNELL. Feasible?

Mr. SCHWACKE. No; I do not. I should be sorry to see such a plan established, because I believe that questions that are kept between employer and employee are wholly desirable.

Commissioner O'CONNELL. Are you familiar with a law in existence in Canada known as the Lemieux law?

Mr. SCHWACKE. I know of the law; I have heard it discussed several times. That is a conciliation act, as I understand it.

Commissioner O'CONNELL. Well, it prevents strikes or lockouts prior to the Government having an opportunity to try and adjust?

Mr. SCHWACKE. Yes.

Commissioner O'CONNELL. It applies only, however, to public utilities.

Mr. SCHWACKE. So I understand.

Commissioner O'CONNELL. The question is, Whether such a law might not be made to apply further?

Mr. SCHWACKE. I believe such a law would be a good thing for us as to public utilities. I think public utilities stand on an entirely different plane from private establishments.

Commissioner O'CONNELL. Do you believe the people ought to own the public utilities—street car, electric light, and gas companies?

Mr. SCHWACKE. No; I do not.

Commissioner O'CONNELL. That is all.

Acting Chairman WEINSTOCK. Have you any questions, Mr. Lennon?

Commissioner LENNON. I don't want to ask anything.

Acting Chairman WEINSTOCK. You say, Mr. Schwacke, that you believe the compensation law a good and wise law?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. Now, in the interest of both the employer and the worker?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. Mutual protection?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. Do you also believe in the safety law?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. You believe it is a wise and beneficent law in the interests of the employer and the worker?

Mr. SCHWACKE. I do.

Acting Chairman WEINSTOCK. Do you believe in the various sanitary laws that have been passed, establishing certain sanitary conditions in the working plants?

Mr. SCHWACKE. I believe reasonable sanitary laws are desirable. I may not concur in all the laws that have been passed.

Acting Chairman WEINSTOCK. But on the whole you would judge that they are desirable things?

Mr. SCHWACKE. I do.

Acting Chairman WEINSTOCK. Do you believe in the child-labor laws that limit the age at which children shall be employed?

Mr. SCHWACKE. Well, I think that they can be passed to too great an extreme.

Acting Chairman WEINSTOCK. Yes; but kept within reasonable bounds you believe that they are wise?

Mr. SCHWACKE. I do.

Acting Chairman WEINSTOCK. Well, do you believe that all of these legislative measures make for lessened industrial unrest?

Mr. SCHWACKE. Well, I am not prepared to assent to that, because I think so much of our industrial unrest—all our unrest, in fact, is due to causes that we little understand.

Acting Chairman WEINSTOCK. You don't think, then, that industrial actions in the past have added to industrial unrest? You don't think, then, I take it, that the lack of safety laws have added to industrial unrest, and you don't

think that the lack of sanitary laws have added to industrial unrest, nor the lack of child-labor laws have added to industrial unrest?

Mr. SCHWACKE. You must not take me as assenting to that, sir. I think that all of those things have something to do with the conditions that are prevailing to-day.

Acting Chairman WEINSTOCK. Yes.

Mr. SCHWACKE. But that they have had everything to do with it, or that they have been primarily the cause of our conditions to-day, I am not ready to assent.

Acting Chairman WEINSTOCK. Well, assuming that there is no such thing as working out any one law that would wipe out all the industrial unrest, is it or is it not true that these various laws have tended to minimize industrial unrest by removing some of the causes?

Mr. SCHWACKE. For the sake of argument I would assent to that, sir.

Acting Chairman WEINSTOCK. That is, you do assent to that?

Mr. SCHWACKE. Yes.

Acting Chairman WEINSTOCK. Well, then, I judge from that that you would want to qualify your previous statement that you do not believe that legislation can help in the matter?

Mr. SCHWACKE. When I made the remark, my idea was that you could deliberately legislate against a condition.

Acting Chairman WEINSTOCK. Yes.

Mr. SCHWACKE. You can legislate against immediate phases of that condition, but that you can deliberately legislate against a condition of that sort that exists I do not think it possible.

Acting Chairman WEINSTOCK. That is, I take it that you agree; that you, in common with myself, do not believe that any one law would wipe out all the difficulties?

Mr. SCHWACKE. No, sir.

Acting Chairman WEINSTOCK. But that various laws, intended to touch certain weak spots in the aggregate, could materially help?

Mr. SCHWACKE. Yes, sir; I agree to that.

Acting Chairman WEINSTOCK. If that were not true, then our time as commissioners would be absolutely wasted, because all that we can hope to accomplish is the introduction of legislative measures where that will tend to minimize industrial unrest?

Mr. SCHWACKE. Precisely.

Acting Chairman WEINSTOCK. You were present yesterday, weren't you, Mr. Schwacke, when Mr. Barba testified?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. You remember that he and I discussed the question of the efficiency of the American worker?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. And he seemed to be of the opinion that, as a rule, the efficiency of the American worker is higher than the efficiency of the European worker.

Mr. SCHWACKE. That is my candid opinion, based upon long experience.

Acting Chairman WEINSTOCK. Perhaps you will also recall, Mr. Schwacke, that he also gave it as his opinion that the efficiency of the foreign worker, transplanted to America, becomes higher here than it was in the old country?

Mr. SCHWACKE. That is my experience.

Acting Chairman WEINSTOCK. Now, there was one question that I ought to have put to Mr. Barba and I did not, but I would like to put it to you in the hope that you may be able to throw some light on it.

You recall that Mr. Barba pointed out that the manufacturers in the United States had some difficulty, and would have still more difficulty under a common eight-hour day, for example, in competing with foreign manufacturers in the markets of the world.

Well, now, I am not a manufacturer, and I can only talk as a layman who has had a smattering knowledge of manufacturing conditions. I take it that the chief advantage, the chief alleged advantage on the part of the foreign manufacturer, is his labor cost as against American manufacturers.

Mr. SCHWACKE. That is right, sir.

Acting Chairman WEINSTOCK. And when it comes to raw materials, the American manufacturer is at no disadvantage to speak of compared with the foreign manufacturer?

Mr. SCHWACKE. I could not answer that so very well, Mr. Commissioner, because the cost of material in our business is not anything like the factor it is, for instance, in the Midvale Steel Co.

Acting Chairman WEINSTOCK. Well, I think——

Mr. SCHWACKE (interrupting). And I believe it has been estimated——

Acting Chairman WEINSTOCK. The chief difference is the labor cost?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. Well, now, if that is true, on the one hand, that the American worker is more highly efficient than the European worker, and if it is also true that when the foreign worker is transplanted here he becomes more efficient than his brother who remained in Europe, why should not the American manufacturer under those circumstances be able successfully to compete with the foreign manufacturer in the markets of the world?

Mr. SCHWACKE. Well, that is a question that I can not answer categorically, but I do know this, that the foreign manufacturer does put into this country machine tools, for instance, even under the tariff which existed prior to the present tariff, at a very much lower price than we can produce those tools here.

Acting Chairman WEINSTOCK. That is a fact?

Mr. SCHWACKE. That is a fact, and you can not get away from that.

Acting Chairman WEINSTOCK. Well, that beats all theories to death?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. But is it not also true, as I heard Mr. Redfield, of the Department of Commerce, make the statement, that the American products are getting the world markets at a very rapid rate; that the output of exports to-day of manufactured products to-day is greater than ever before in American history, and is continuing to grow?

Mr. SCHWACKE. I believe that is true, but there are reasons for it aside from the reasons of cost.

Acting Chairman WEINSTOCK. Will you be good enough to state the reasons, as you see them?

Mr. SCHWACKE. I will, in so far as our business is concerned.

In machine tools the principal exports have been those highly refined tools that are made in this country which until a very recent period were not made abroad—tools of the automobile industry and tools for the small production of metal parts. The design, the ingenuity that is embodied in the American tool, is far, far superior to the same qualities in the foreign tools. Even the large tools on the other side are mostly very cumbersome, vastly more cumbersome than large tools are in this country. That is the reason, in my judgment, why this large exportation of American highly refined tools has gone abroad. And that, Mr. Commissioner, is being changed.

The machine-tool industry, the shipments of machine tools from this country, are falling off very rapidly, and the European, especially the Germans, have profited very largely from our experience, and they are now producing over there in many cases tools of that character that are quite equal to the tools made here. In fact, the Germans are going into the French market and supplanting the French manufacturers.

Acting Chairman WEINSTOCK. There are those, Mr. Schwacke, who take the ground that the best way of establishing industrial peace is, first, by mutual organization, by the workers being thoroughly and intelligently organized and by the employers being thoroughly organized, then by each body recognizing and dealing with the other body and by establishing trade agreements. Now, do those ideas harmonize with your views as to the best way of establishing industrial peace?

Mr. SCHWACKE. No, sir; I do not think that is good or sound.

Acting Chairman WEINSTOCK. You do not?

Mr. SCHWACKE. No, sir.

Acting Chairman WEINSTOCK. Will you be good enough to give the commissioners the reasons why you do not agree?

Mr. SCHWACKE. I agree with both Mr. Barba and Mr. Johnson, who gave evidence yesterday, that organization among employees tends to level—to bring all down to a common level. I believe that the great advance of this country industrially has been due almost entirely to the wonderful individuality of the American workman, his resourcefulness, which the foreign workman, for instance, does not possess, and due very largely to the absence in this country of the strength of what is commonly called unionism. The employers in this country did not begin to organize until many years after their employees had organized, and the employers of this country would not organize to-day were

it not for certain tendencies in organized labor, which they were forced to combat by organization.

We have never as a company—our own company has never been favorable to entering employers' organizations, and we did not do so until the very last minute.

Acting Chairman WEINSTOCK. You believe, then, that it is wise for the employers to organize?

Mr. SCHWACKE. No, sir. Under present conditions I do; yes, sir.

Acting Chairman WEINSTOCK. Of course in your experience as an employer of many years standing you have found two kinds of workers, haven't you; that is, you have found the worker who gives a fair day's work for a fair day's pay, and you have also found other workers who give an unfair day's work for a fair day's pay?

Mr. SCHWACKE. We have unfortunately found that class of workmen.

Acting Chairman WEINSTOCK. I take it that you will also agree that there are not only fair workers and unfair workers, but there are also fair employers and unfair employers?

Mr. SCHWACKE. I do.

Acting Chairman WEINSTOCK. I suppose that you quite agree with Mr. Barba yesterday, who gave it as his opinion that it is the unfair employer who sets the pace, just as the European employer or manufacturer sets the pace for the American manufacturer—the unfair American manufacturer sets the pace for the fair American manufacturer?

Mr. SCHWACKE. I agree with that. He attempts to.

Acting Chairman WEINSTOCK. How would the worker, individually, in your opinion, protect himself against the unfair employer who tried to exploit him?

Mr. SCHWACKE. We would have no objection, Mr. Commissioner, to organization among employees if they did not attempt to assume conditions to which they are not entitled as employees, and if they did not attempt to force those of their fellow workers who are not in accord with their views to accepting their views, or making their condition in the shops so uncomfortable that they could not stay.

Now, those are the elements against which the reasonable employer objects in organized labor.

Acting Chairman WEINSTOCK. That is, the thought is this: That organized labor is apt to become tyrannic and despotic and unreasonable?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. Well, now, if the plan that I stated was advocated by some, if the plan of labor being organized on the one hand and employers being organized on the other hand, and the two agreeing to settle their disputes through trade agreements by arbitration, would not that hold the unfair in restraint on both sides effectively, just as it has in my own city of San Francisco? You doubtless are more or less familiar with conditions there in the metal trades. They have a metal trades association and they have an iron trades council. Those two bodies recognize each other and deal with each other. They enter into trade agreements, usually running over a series of years. Just at this time they are negotiating for a new agreement, the old one having expired.

They have a grievance committee, to whom both sides can appeal. This grievance committee must investigate and adjust; and if they can not adjust, the whole matter must be submitted to arbitration, and there can be no strike or lockout. I am told by members of both sides that through the medium of their grievance committee, through the medium of that mutual understanding, through the medium of that mutual trades agreement, they have many times saved possible war, and I have had the largest employer in San Francisco, the president of the Union Iron Works, say that his experiences with organized labor have been exceedingly cordial and friendly; they have no complaints to make; they understand each other perfectly; and when they fail to understand each other these committees would adjust the differences.

Now, is there any better way that can be suggested than the way that has been outlined? If so, we would be very glad to hear it.

Mr. SCHWACKE. Well, I suppose as long as human nature is as it is there will always be difficulties and differences between two bodies; that is, between the employer and the employee. But my understanding of the San Francisco situation for many years has been that it was the most deplorable condition in the metal trades that existed in the United States, and I have been told in years

past, and not so very long past at that, that if the people in the metal trades on the Pacific coast could get out of it safely they would be very glad to do so.

Acting Chairman WEINSTOCK. Well, I have no doubt, Mr. Schwacke, that that may be the sentiment of some of the employees, but seemingly it is not the sentiment of the largest employers, who give it as their experience that the arrangement is satisfactory.

Mr. SCHWACKE. That might be relative, Mr. Commissioner; that might be a relative statement as compared with what they had before.

Acting Chairman WEINSTOCK. That may be, I don't know; I can only repeat what has been told me.

Mr. SCHWACKE. From my knowledge of the locality I would interpret it that way.

Acting Chairman WEINSTOCK. If you had been appointed a sole commissioner, Mr. Schwacke, by the President to investigate existing conditions and to make recommendations along the lines to bringing about a better and a more cordial feeling between the employer and the worker so as to minimize industrial war, what would you advocate, what would you suggest?

Mr. SCHWACKE. I would throw up the job, Mr. Commissioner.

Acting Chairman WEINSTOCK. You would throw up the job?

Mr. SCHWACKE. Yes, sir.

Acting Chairman WEINSTOCK. That is not very encouraging to this commission, is it, when a man with your long experience takes that view?

Mr. SCHWACKE. You have my sympathies fully in what you are doing.

Acting Chairman WEINSTOCK. Well, we may need them before we get through.

Mr. SCHWACKE. I believe, Mr. Commissioner, that—

Acting Chairman WEINSTOCK (interrupting). Commissioner O'Connell just called my attention to the fact that lack of organization on the part of the worker does not necessarily mean industrial peace. He points out that in the city of Pittsburgh to-day there is a strike going on with ten or twelve thousand workers who are not organized, and that therefore there is liable to be industrial war without organization as much as with organization.

Mr. SCHWACKE. Yes; I think it is inevitable under any circumstances; as long as we are human we will have those differences.

Acting Chairman WEINSTOCK. Well, that is true. I suppose there are many more disputes to-day—civil disputes—than perhaps there ever were in the history of the world, because our civilization is becoming so much more complex; but there was a time in history when these civil disputes were settled with cobbles and bricks.

Mr. SCHWACKE. Yes.

Acting Chairman WEINSTOCK. Now they are settled quietly in the courts, with justice for its end. Now, why can not the same attempt develop for our industrial disputes? Why can not the brickbat and the cobblestone be relegated to the dead past and industrial disputes adjudicated as are civil disputes adjudicated—without hostility and without war, without needless strife?

Mr. SCHWACKE. Well, that is another very wide question—a very wide question—and it could be discussed from a great many angles; it is too broad.

Acting Chairman WEINSTOCK. Well, do you take the ground that they can not be settled amicably and without violence?

Mr. SCHWACKE. Not at all; I do not think that.

Acting Chairman WEINSTOCK. My fellow commissioner, Mr. Delano, points this out, which I think is of special interest just at this point.

He calls attention to the fact that organized labor is studying this problem, that it has its best minds at work on the problem, and that they are suggesting remedies. Now, if organized labor is devoting itself assiduously to the solution of this problem, and the employer looks upon it with indifference and does not likewise study the problem and endeavor to aid in its solution, he will be placed at a serious disadvantage when the worker will be in a position to advocate and to carry his construction of the solution, where the employer will fail, and then that therefore, in the interest of the employer, in order that equity shall maintain and that it shall not be a one-sided solution of the problem, it is of the highest importance that the employers of the United States, as well as the workers of the United States, shall become students of this problem and aid this commission in finding some fair and equitable manner of adjusting possible difficulties and remedying existing evils.

Mr. SCHWACKE. Well, I hope you have not gathered from anything that I have said that the employer is indifferent to these questions. On the contrary,

he has taken, and is taking, and has been obliged to take, a great deal of notice of all these various phases of difficulties that surround him.

But the principal difficulty to which the employer has been subjected, as I see it, is, as a rule, a hard and fast principle to be adhered to. In other words, he has been asked, as a solution of these questions, to make agreements with organized labor, and organized labor takes little or no account of the unorganized labor with which that same employer has to deal.

Now, if organized labor would simply advocate its own case, and let unorganized labor, if it wishes to, be unorganized—take care of its own end of the string—the employer, I think, would have no difficulty in dealing with either. We have had none. And I know many other establishments that have had none. It is only when organized labor insists that its dictum shall prevail that the difficulty becomes acute.

Acting Chairman WEINSTOCK. Well, I may be misinformed on this point. If I am, my fellow commissioners here on the board, representing organized labor, will correct me. But, to the best of my knowledge and belief, organized labor, outside of the I. W. W.'s or the anarchists, advocate the strike as the last resort and strongly urge upon the members of organized labor to settle their disputes by arbitration. Am I right or wrong in that, Mr. Lennon?

Commissioner LENNON. That is true.

Acting Chairman WEINSTOCK. That is true; very well. Now, I had an employer make this statement to me, a man of broad experience. He said, "I have found from observation and experience that when employers refuse to recognize labor or to deal with them, they bring out the very worst in organized labor; it puts organized labor on the warpath, and you have the conditions that exist in Colorado." But he went on to say, "I have found from personal experience that when organized labor is recognized and dealt with they become reasonable; they listen to reason; and when differences arise that can not be settled and the matters are submitted to arbitration, that as a rule they respect and obey the findings of the arbitrators." Therefore, it strikes me that the best way to make organized labor reasonable is to recognize and to deal with it. Would not that seem so to you?

Mr. SCHWACKE. Well, I am sorry to say that has not been my experience.

Acting Chairman WEINSTOCK. Well, evidently your experience is different from the experience of the employer who gave me his point of view.

Mr. SCHWACKE. Yes, sir. I will give you, if you please, just one incident which illustrates somewhat what I have said.

There has been a strike in Philadelphia here for nine months against a small shop. That is, the strike began some nine months ago. The shop has continued with other workmen. That shop has been picketed daily for these nine months. The men have been assaulted again and again and again. There is no trouble in that shop. The men were working there, perfectly willing to work under the conditions that exist; but the men outside the shop insist, by their action, that these men shall quit.

Now, that is one of the reasons which caused me to say that I would not be willing to deal with organized labor. Just picture to yourself the men in your own walk of life harassing you morning, noon, and night for nine months, insisting on your doing something that you do not wish to do and that you are not under any circumstances obliged to do. If the conditions, Mr. Commissioner, that frequently exist in manufacturing industries could be brought into the professional life, the mercantile life, I think we would very soon have a public opinion exerted along certain lines that would cure much of what we see every day.

Acting Commissioner WEINSTOCK. Should any suggestions occur to you, Mr. Schwacke, that you think will be helpful to this committee in the solving of its problems, we will greatly appreciate it if you will send them to us.

Mr. SCHWACKE. If they should, I will be very glad to.

Acting Chairman WEINSTOCK. Mr. Lennon would like to ask you a question.

Commissioner LENNON. Do you know whether, in this particular case that you have cited, the union at interest has offered to arbitrate whatever the questions at issue may be with the employer?

Mr. SCHWACKE. I don't know.

Commissioner LENNON. What trade is involved?

Mr. SCHWACKE. Molding.

Commissioner LENNON. Molding?

Mr. SCHWACKE. Yes, sir.

Commissioner LENNON. Then I can answer it: They have.

In reply to one of the questions asked by Acting Chairman Weinstock regarding the limitation, the passage of laws limiting child labor, you indicated in your reply that there ought to be some limitations to the law. Do you mean to say that the laws now on the statute books in Pennsylvania, for instance, are in some particulars unwarranted?

Mr. SCHWACKE. Well, as I understand the child-labor law of our State—I do not pretend to be familiar with it; but as I understand some of the features of that law—the limiting age is 16 years. Now, I don't think it is wise to draw such a hard and fast law as that. I went out to earn my living when I was 14 years of age, and I know many others who went out at that early age and some who went even earlier and do occupy very prominent stations in life. For that reason I can not see why there should not be some qualifications as to the employment of children.

Commissioner LENNON. Well, I started at 10, and that is the reason why I have fought for my children and my grandchildren to have the age raised; and it has not got high enough yet to suit me, even where it is 16.

Do you believe that the State is under any obligation, through the public-school system or such other educational system as might be provided, to give children vocational training?

Mr. SCHWACKE. Yes, sir. I think they could not start in our public schools too soon. I think the bent of a child should be ascertained, if possible, in the kindergarten. There are more tragedies in industrial life—

Commissioner LENNON. Do you mean that such education would bring about a greater degree of efficiency among the workers of the country?

Mr. SCHWACKE. I do. I think it will find the bent of the child.

Commissioner LENNON. That kind of legislation, then, you think would help ameliorate the industrial rest of the country to some extent?

Mr. SCHWACKE. I don't know whether it would ameliorate the industrial unrest, but it would improve industrial conditions.

Commissioner LENNON. In 25 years from now—

Mr. SCHWACKE. It would improve industrial conditions.

Commissioner LENNON. You spoke so strongly regarding individual as opposed to collective bargaining. I wonder if you would advise that the labor organizations be suppressed entirely?

Mr. SCHWACKE. No, sir; I would not.

Commissioner LENNON. Do you know or have you investigated sufficiently to give you any opinion as to whether the average wages of union men in a particular trade, taking the country at large or your own city, is as high or higher than the nonunion men of the same trade?

Mr. SCHWACKE. I think the prevailing wages in Philadelphia in all trades are probably lower than they are in other leading cities of the country.

Commissioner LENNON. How about the union men in Philadelphia—are their wages higher or lower than the nonunion men in the trade?

Mr. SCHWACKE. I don't think they are any higher.

Commissioner LENNON. You spoke of your disinclination to deal with the unions because of their lack of responsibility. Have you ever known of the union entering upon an agreement and afterwards breaking it?

Mr. SCHWACKE. Yes, sir.

Commissioner LENNON. Have you ever known of employers breaking agreements?

Mr. SCHWACKE. I have.

Commissioner LENNON. Well, is it more prevalent on one side than it is on the other, do you think?

Mr. SCHWACKE. I think it is; yes, sir.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Schwacke.

Mr. BUSIEK. I will call Mr. Morgan.

TESTIMONY OF MR. HENRY MORGAN.

Mr. BUSIEK. Mr. Morgan, please state your full name.

Mr. MORGAN. Henry Morgan.

Mr. BUSIEK. You are the secretary of the metal manufacturers' association of this city?

Mr. MORGAN. I am.

Mr. BUSIEK. How long have you held that position, Mr. Morgan?

Mr. MORGAN. Four and a half years.

Mr. BUSIEK. Four or five years?

Mr. MORGAN. Four and a half years.

Mr. BUSIEK. Four and a half years?

Mr. MORGAN. Yes, sir.

Mr. BUSIEK. Are you a member of or interested in any manufacturing concern here in Philadelphia?

Mr. MORGAN. I am not.

Mr. BUSIEK. Or anywhere else?

Mr. MORGAN. I am not.

Mr. BUSIEK. Have you ever been employed in any of the manufacturing concerns?

Mr. MORGAN. In Philadelphia? No, sir; I have not.

Mr. BUSIEK. Prior to the time of your taking the position with the metal manufacturers' association, what was your occupation?

Mr. MORGAN. Superintendent of the steamship line, operating a department in New York City.

Mr. BUSIEK. How long did you hold that position?

Mr. MORGAN. Twenty-two years.

Mr. BUSIEK. Twenty-two years?

Mr. MORGAN. Yes, sir.

Mr. BUSIEK. You have not been with this association since its inception?

Mr. MORGAN. No, sir.

Mr. BUSIEK. Explain in brief your duties, Mr. Morgan.

Mr. MORGAN. My duties, in brief, are to act as secretary at the meetings and to conduct the affairs of the association under the direction of its executive committee.

Mr. BUSIEK. From a reading of the constitution and the preamble to the constitution, I note that the purposes are, first, social; second, that the manufacturers combine for mutual interest in matters affecting the trade in general; and, third, to deal with the employees on occasions of disputes between employers and employees. What particular branch of that work requires the major portion of your time?

Mr. MORGAN. The entire management of the detail of the association is taken care of by its secretary, myself.

Mr. BUSIEK. How much of a clerical organization have you?

Mr. MORGAN. A stenographer and myself.

Mr. BUSIEK. A stenographer and yourself?

Mr. MORGAN. Yes, sir.

Mr. BUSIEK. What records do you keep there, Mr. Morgan?

Mr. MORGAN. Why, the usual office records of any business.

Mr. BUSIEK. What I am trying to get at is what would occupy your entire time? How often does this association meet?

Mr. MORGAN. Once a month; unless at the call of the chair, more frequently than that.

Mr. BUSIEK. Granted that it had two meetings a month, what else do you do besides write up the minutes of the meetings?

Mr. MORGAN. I might be engaged in any business that the executive committee might find for me to do.

Mr. BUSIEK. That is what I am trying to get at, what does it consist of?

Mr. MORGAN. And to conduct a labor bureau, I was about to add.

Mr. BUSIEK. Explain the workings of that labor bureau, Mr. Morgan.

Mr. MORGAN. That is a rather long performance. To begin with, we have to start with the inception of a new member, who would furnish me, after having complied with the requirements of the constitution and by-laws, with a list of his employees for the starting of a shop file for that particular shop. From that time forward we have a blank upon which the hiring at the shop door of an employee, or the accepting of an employee with whom—to whom I had furnished an introduction card to that plant, would be recorded and returned to our office upon his entering employment. On a man leaving the employment there is also a printed form furnished the member, so that a record may be kept of a man leaving the employment and the cause of his discharge.

Mr. BUSIEK. Or resignation?

Mr. MORGAN. Or resignation. It might be that he is laid off or resigned, or left for a better position, or whatnot.

Mr. BUSIEK. Have you a copy of such a card with you?

Mr. MORGAN. I have furnished the special examiners of the commission with a card, but I can furnish the commission here at present with one if you wish to have it, or with their set of forms.

Mr. BUSIEK. Have you that set with you?

Mr. MORGAN. I have it here.

Mr. BUSIEK. Will you kindly furnish us that?

Mr. MORGAN. Yes. Here they are.

(The set of blanks referred to were marked "Exhibit 1, Morgan, June 26, 1914." The blanks are in printed form.)

Mr. MORGAN. I want to say at this time that your special examiners have visited my office and have been through, at my request, those forms in actual operation—first, the application blank you have in your hand. I showed them a thousand of those numbered consecutively so that they might see the form of application in practical use. The second form is a letter of inquiry which is in use by most corporations for that purpose to ascertain a man's abilities for a particular position. I showed them possibly a thousand of those that had been sent out to the different firms and returned as is the customary courtesy between corporations.

Mr. BUSIEK. Our special examiner is not here just now, Mr. Morgan, so I want—

Mr. MORGAN. I just wanted you to see that they saw them in practical use.

Mr. BUSIEK. Yes, Mr. Morgan. The form returned to you by the manufacturers is as follows: "Mr. John Jones has applied to us for employment and states that he has worked for you as a -----." Then there is a blank. From a certain date to a certain date. "Is the above statement correct? ----- Did he leave or was he discharged? ----- Class of work employed on? ----- Do you consider him industrious and of good habits? -----" Then there are things that are formal matters. Then there is a column for remarks. These remarks in the column left for remarks, is that generally filled out with the reasons for his leaving the employment?

Mr. MORGAN. I think you have the reason there in the printed form. This is for any additional information that a firm may wish to convey. A concern may have a man in whom they are particularly interested, owing to his excellent qualifications, and they may want to make a note of that, or they may make a note to the contrary.

Mr. BUSIEK. Now, a man comes to your plant and asks you for employment—

Mr. MORGAN (interrupting). My bureau.

Mr. BUSIEK. To your bureau. You have a list there of open positions that has been furnished by the members of the association. Is that true?

Mr. MORGAN. Yes, sir.

Mr. BUSIEK. And you send a man out to the plant?

Mr. MORGAN. If I consider him fitted for the position I want to fill; yes.

Mr. BUSIEK. What qualifications do you demand of such a man?

Mr. MORGAN. A certification of his previous occupation at that particular trade or in that particular branch of the trade.

Mr. BUSIEK. Is the matter—if a man should have been discharged, say, for insubordination or incompetency, or some such reason as that, would that preclude him from getting another chance at employment?

Mr. MORGAN. That would depend entirely on circumstances. I think a personal examination very often—we expect the personality of some foremen and some men will clash. That, to our office, amounts to nothing, unless it is a very gross case and so stated—where I have information to that effect.

Mr. BUSIEK. Do you keep records on the foremen, too, and the number of difficulties they get into with the men?

Mr. MORGAN. Why, that would not be necessary. Our bureau, as well as being a bureau for the exchange of labor, is a bureau for the exchange very often between the mechanic and myself of sentiment, and the underlying feeling against the given foreman is very soon apparent, which information, in that case, I should very soon convey to employers, for the reason that I should not think it was for the best interests concerned to have a foreman who can not agree with the men.

Mr. BUSIEK. Has that state of affairs arisen?

Mr. MORGAN. I know where there have been complaints, which I have referred to the employers and which have been remedied; yes.

Mr. BUSIEK. Have your efforts ever resulted in the removal of a man whom you considered a poor foreman?

Mr. MORGAN. It has never got to that point. I think that if it did that would necessarily occur; yes, sir.

Mr. BUSIEK. You have never run across any poor foremen in the four and a half years' time?

Mr. MORGAN. I did not say so.

Mr. BUSIEK. What am I to gather, then, from your remarks? You said it never resulted in that.

Mr. MORGAN. Well, "poor foremen" covers rather a large field.

Mr. BUSIEK. I mean a man who could not work harmoniously with the men under him.

Mr. MORGAN. That is true; yes—I have not.

Mr. BUSIEK. Mr. Morgan, if a man should have gone out on a strike, would that reason for discharge appear—or reason for quitting appear—on this record blank which you keep?

Mr. MORGAN. I have very recently decided it was wise to do so, and I would make such a notation.

Mr. BUSIEK. How recently?

Mr. MORGAN. Within the last year and a half. Not the blank, but on the man's record card.

Mr. BUSIEK. You say you have made a notation of that for a year and a half past?

Mr. MORGAN. Yes.

Mr. BUSIEK. In passing on a man's qualifications for work, would that record be sufficient to bar him?

Mr. MORGAN. Absolutely not.

Mr. BUSIEK. Why have you found it wise, or necessary, then, to make that notation?

Mr. MORGAN. I think possibly 10 years hence I might be able to discover the habitual striker—the man who could not, or would not, retain his position and would cause disturbance, possibly, among the men.

Mr. BUSIEK. A habitual striker you would not pass on to any of your men for employment?

Mr. MORGAN. I would; have done it, and do.

Mr. BUSIEK. You say you have done it?

Mr. MORGAN. I say I have done it, and do up to the present time; we have not, up to the present time, found any habitual striker.

Mr. BUSIEK. Then I do not get the drift or sense of that remark. You say you have done and do send habitual strikers—

Mr. MORGAN (interrupting). My record has been in effect only 18 months—on the strike proposition.

Mr. BUSIEK. You are looking for those men now?

Mr. MORGAN. I make a notation when that comes under my observation.

Mr. BUSIEK. But you say you have sent such men to employers.

Mr. MORGAN. Yes, sir.

Mr. BUSIEK. And of course you have made mention of that fact when you send that man on?

Mr. MORGAN. No; not necessarily.

Mr. BUSIEK. Not necessarily? Do you mean to tell the commission that the employer is in ignorance of these facts concerning this man, even though you have that information?

Mr. MORGAN. The only prevention, or, rather, the only cause that would mitigate against a man receiving employment in the shops of our association would be that he was a disturbing factor, regardless of any affiliation. A man who can not work with his fellow workmen and is a disturbing factor we do not want.

Mr. BUSIEK. Well, does going out on a strike or belonging to a union constitute a man a disturbing factor, in your mind?

Mr. MORGAN. If he happens to be a slugger, or something of that kind, and I know it, I would certainly bar him.

Mr. BUSIEK. And you do do that when he is such a man, in your opinion?

Mr. MORGAN. I would do it.

Mr. BUSIEK. Have you done it?

Mr. MORGAN. Yes; in one instance.

Mr. BUSIEK. In one instance?

Mr. MORGAN. In one instance.

Mr. BUSIEK. Of course, your records are open to all the members of your association?

Mr. MORGAN. No.

Mr. BUSIEK. They are not?

Mr. MORGAN. No.

2906 REPORT OF COMMISSION ON INDUSTRIAL RELATIONS.

Mr. BUSIEK. They get just such information as you are pleased to give them?

Mr. MORGAN. Yes.

Mr. BUSIEK. Does your association have any means of checking up the answers given you by these men on these slips, or do you take their work for granted?

Mr. MORGAN. The cause for discharge furnished me is transferred to the man's record card.

Mr. BUSIEK. And if a man comes to you and says that he has worked at the Baldwin Locomotive Works, for instance, and has left there voluntarily, you send this form of blank around to the Baldwin Locomotive Works?

Mr. MORGAN. I do not. They are not members of the metal manufacturers' association of Philadelphia. I think that fact has been stated three or four times.

Mr. BUSIEK. Then your inquiry is limited only to the members of your association? If a man has been working for the New York Shipbuilding Co., or Cramps, or the Midvale Steel Co., and he comes in, his story is taken for granted and no check made upon that?

Mr. MORGAN. I think that I stated that the application blank, that I first called your attention to—that the man applying for a position furnishes the name of his last employer.

Mr. BUSIEK. That I understand.

Mr. MORGAN. The letter follows, and upon the information furnished his record starts. If they return that this man is a machinist or a molder or a car maker—his ability is all we care to know anything about. His record starts right there, and his employment, if I have a position for him.

Mr. BUSIEK. But this inquiry also asks for his discharge—for the reason?

Mr. MORGAN. Yes.

Mr. BUSIEK. Is that furnished you by these concerns?

Mr. MORGAN. Yes, sir.

Mr. BUSIEK. They cooperate with you, then, to that extent, in that?

Mr. MORGAN. I think that is the universal practice amongst all large corporations.

Mr. BUSIEK. And if a man has quit by reason of belonging to a union and going out on a strike, they uniformly answer you?

Mr. MORGAN. They do not, and I do not ask that information; I don't think that information comes in at any time where a man voluntarily imparts that information. We are not interested.

Mr. BUSIEK. How many men are in the employ of the members of your association?

Mr. MORGAN. At the present time about 8,000. Under normal conditions that would stretch to 11,000, possibly 11,000, maybe 11,500.

Mr. BUSIEK. The number of firms in your association?

Mr. MORGAN. I don't know as I should answer that question. I will answer it if I am compelled to.

Mr. BUSIEK. You are not compelled to; no, sir. Mr. Schwacke stated that it was about 55, if my recollection is correct.

Mr. MORGAN. That is very close to it.

Mr. BUSIEK. How many members of your association have union contracts, if you don't mind stating? I don't ask for the names, but I would like the figures.

Mr. MORGAN. I understand; about 13 per cent.

Mr. BUSIEK. About 13 per cent of your membership have union contracts?

Mr. MORGAN. Yes.

Mr. BUSIEK. What per cent of the number of workmen are employed in these 13 concerns, approximately?

Mr. MORGAN. About 34.

Mr. BUSIEK. About 34 per cent of the men working for your membership?

Mr. MORGAN. No; I beg pardon. Just a moment. I find I have the wrong slip before me. I will answer that question for you in a moment.

Mr. BUSIEK. Very well. What are the membership dues in your association, or how is it supported?

Mr. MORGAN. That is based on the number of operatives employed. An operative is known as a man who gets above a certain figure; men below that figure are known as half rate, and it takes two to make one; that is, for assessment purposes.

Mr. BUSIEK. Not asking any names, but what is the amount of the money paid by the highest contributor to your association?

Mr. MORGAN. About \$560 per annum.

Mr. BUSIEK. You were present when Mr. Schwacke testified here a few moments ago, were you not?

Mr. MORGAN. I was.

Mr. BUSIEK. Mr. Schwacke made the statement in substance; That he did not believe in the organization of employers, and said that their firm would not have joined this association had it not been for the fact that they were finally forced to do it at the last minute by reason of the organization of the employees. Now, of what benefit can your association be to Mr. Schwacke's firm which will help him in his dealings with the organized employees or will protect him against the organization of the employees?

Mr. MORGAN. The association is not organized for the purpose of protecting Mr. Schwacke's plant against the organization of employees. We cover a very broad field.

Mr. BUSIEK. Well, what benefit can it be to him generally—to guard him against the evils which he conceives lie in the organization of the employees?

Mr. MORGAN. I think Mr. Schwacke had best answer that question. I am not a manufacturer, and I can not tell the workings of Mr. Schwacke's mind or what reason he may have.

Mr. BUSIEK. What are the hours of the men employed in the various plants?

Mr. MORGAN. Do you want the high and low?

Mr. BUSIEK. The high and low, or give me the average hours in the union shops and the average hours in the nonunion.

Mr. MORGAN. The shortest shop we have any record of—this is after a canvass of largely the entire metal trades in the city of Philadelphia. In the brass novelty manufacturing business there is one shop working 52 hours; two shops working 55 hours. In the chandelier line there are nine shops working 55 hours. In the foundries there are two shops working 54 hours; one shop working 55 hours; one 60 hours. In the machine shops—one shop working 50 hours, two shops 52½ hours, six shops 54 hours, one shop 54 2 hours, nine shops 55 hours, two shops 55½ hours, two shops 56½ hours, one shop 57½ hours, two shops 57½ hours, one shop 57¾ hours, one shop 58 hours, one shop 58½ hours, one shop 59 hours. In the pattern shops there are two shops working 54 hours, one shop 55 hours. Brass-goods manufactories and foundries—two shops 55 hours, one shop 55½ hours, one shop 57½ hours. In the machine shops and foundries there are five shops working 55 hours, four shops 56½ hours, one shop 57½ hours.

Mr. BUSIEK. Mr. Morgan, let me suggest that since you have prepared that in statistical form you will kindly furnish the commission with that, and we can digest that at some other time. But can you tell me—

Mr. MORGAN (interrupting). Very well.

(The paper here produced by the witness was marked "Exhibit 2, Witness Morgan, June 26, 1914.")

See Morgan Exhibit No. 2.)

Mr. BUSIEK. Can you tell me offhand whether those shops having union agreements have a maximum day?

Mr. MORGAN. Philadelphia is known widely as a 55-hour town. That is the practically universal condition.

Mr. BUSIEK. That prevails in the union as well as the nonunion shops?

Mr. MORGAN. I think so; yes.

Mr. BUSIEK. Does your organization employ any people who look after the—who keep a check upon any of these workmen or their activities?

Mr. MORGAN. There are two men on the pay roll of the metal manufacturers' association of Philadelphia—myself and stenographer.

Mr. BUSIEK. Does your association take any active steps or act as an association for the advancement of sanitary conditions or the betterment of sanitary conditions, or the betterment of hours of labor, or any of the things which tend to the improvement of working conditions?

Mr. MORGAN. I think all the members of our association, either through their affiliation with national bodies, all cover that ground and are all strongly in favor of anything that would tend to the betterment of shop conditions, either in the form of sanitation, workmen's compensation laws, vocational training—in fact, I am a member of the committee on that proposition here in the city of Philadelphia, and along all those lines I think the association members are allied on the side of advancement or betterment.

Mr. BUSIEK. During the period of the recent sympathetic strike—I think it was in 1911—was your association active in procuring workers from out of town to fill the place of the strikers?

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Mr. MORGAN. Why, our shops were affected only in a very small degree, and the men returned, if you remember, in a very short time.

Mr. BUSIEK. For about three weeks?

Mr. MORGAN. Well, I don't believe we had any shop where our men were affected for that length of time.

Mr. BUSIEK. For instance, in the smaller strike—for instance, you have a strike on now among your membership, have you not?

Mr. MORGAN. We have; been on for 11 months.

Mr. BUSIEK. Does your association procure men to take the places of strikers in that strike?

Mr. MORGAN. I procure the men.

Mr. BUSIEK. You procure them?

Mr. MORGAN. For the association.

Mr. BUSIEK. Have you ever dealt with any organization which makes a practice of furnishing men?

Mr. MORGAN. Never.

Mr. BUSIEK. Have you advertised in out-of-town papers to procure men?

Mr. MORGAN. For the strike in effect now?

Mr. BUSIEK. At any time have you advertised in the papers out of town?

Mr. MORGAN. I have. Some time ago; yes.

Mr. BUSIEK. What were the conditions then?

Mr. MORGAN. We had a strike here then of the chandelier manufacturers. I think there were 11 shops involved, and at that time I advertised in several cities.

Mr. BUSIEK. What cities?

Mr. MORGAN. From memory, Bridgeport, New Haven, Ansonia, Meriden, Baltimore, Reading.

Mr. BUSIEK. Did you furnish these men with arms or other protection against assault or trouble?

Mr. MORGAN. No.

Mr. BUSIEK. These men were not guarded?

Mr. MORGAN. At that time; yes. We had 3 guards to cover 11 shops.

Mr. BUSIEK. Where did you get these guards?

Mr. MORGAN. They were hired here in the city of Philadelphia.

Mr. BUSIEK. From detective agencies?

Mr. MORGAN. No; they were applicants for positions of that kind, who, after looking up their recommendations, we concluded would do for that class of work.

Mr. BUSIEK. That is all, Mr. Chairman.

Acting Chairman WEINSTOCK. Mr. Delano?

Commissioner DELANO. Nothing.

Acting Chairman WEINSTOCK. Have you anything, Mr. O'Connell?

Commissioner O'CONNELL. Mr. Morgan, what is the total number of metal trades firms in the city of Philadelphia?

Mr. MORGAN. I could better tell you the number of operatives.

Commissioner O'CONNELL. I was going to ask you that afterwards.

Mr. MORGAN. I could not tell you the number of firms offhand; I could furnish that later. But at the time about 60,000 men engaged in the metal trades here.

Commissioner O'CONNELL. Out of that number your organization represents 8,000?

Mr. MORGAN. About 8,000; our records in the office cover 35,000, or possibly 54 per cent of the men in those trades who have been working in the trade or have made application to work in the shops of the members of the association.

Commissioner O'CONNELL. You keep a record of the number of applicants securing positions through your office, of course?

Mr. MORGAN. Yes, sir.

Commissioner O'CONNELL. What number of positions were furnished applicants during the past year?

Mr. MORGAN. The last year? That would take in a very slack period, this last six months, and that would hardly—

Commissioner O'CONNELL (interrupting). Say for the year 1913?

Mr. MORGAN. For 1913, I should say 1,500 men.

Commissioner O'CONNELL. And what do you suppose was the total number of employees hired by the members of your association during 1913?

Mr. MORGAN. I would have to get the percentage for that; I would estimate that at 15 per cent of the men hired by the association, or hired by our office; and 85 per cent of the men are hired at the shop door.

Commissioner O'CONNELL. This 85 per cent that is hired directly by the firms, after they are employed do the firms notify you of their employment and ask you to hunt up their record as to former employment?

Mr. MORGAN. They simply furnish me with the entering employment slip, which I have a copy of there with your counsel.

Commissioner O'CONNELL. For instance, they furnish you the name, the last place that man was employed, etc.?

Mr. MORGAN. No, sir; just the name, occupation, and the age.

Commissioner O'CONNELL. And do you make any search in your records as to whether you have a record of any kind of that man on file?

Mr. MORGAN. We immediately note the fact that he has entered the employ of that concern on that date.

Commissioner O'CONNELL. Upon his card?

Mr. MORGAN. Upon his card, and that is transferred then to the shop-record file which we have and which is supposed to correspond with the file at the office of the particular plant.

Commissioner O'CONNELL. Now, supposing that this man—you find when his name comes to you that his record in your office is not a favorable record—

Mr. MORGAN (interrupting). To what extent, Mr. O'Connell?

Commissioner O'CONNELL. To the extreme extent, if you will, of being a chronic striker. Do you then notify the firm of that record?

Mr. MORGAN. I would do so.

Commissioner O'CONNELL. If he was discharged for insubordination would you notify the firm of that?

Mr. MORGAN. No; I don't think so.

Commissioner O'CONNELL. If he was well known as a pronounced union man and agitator would you notify the firm of that?

Mr. MORGAN. I should.

Commissioner O'CONNELL. Would that, in your opinion, mitigate against his employment?

Mr. MORGAN. It might and it might not; there have been cases where it has and there have been cases where it has not.

Commissioner O'CONNELL. Do you furnish any information to firms who are not members of your association in the city?

Mr. MORGAN. Such information as is furnished by one corporation to another. We are not listed as a bureau where that information is disseminated for anybody except the members. I don't know of a case, to be exact, where it has been asked.

Commissioner O'CONNELL. But if you furnished such information, or were asked to do so, would you furnish just the information the card showed?

Mr. MORGAN. Precisely.

Commissioner O'CONNELL. Without any additions or subtractions, just what your card record showed of the man?

Mr. MORGAN. That is not quite true; there are men who are unfortunate in certain surroundings, who in other surroundings might do considerably better. A man might travel with the wrong crowd that would lead him into trouble, drink, and so forth. My mission is, where I can, to attempt in a small way to exercise the duties of a reformer, and try to get him in the right track, and have done so, and do repeatedly, take a man from one district and put him in another district and try to help him if I can.

Commissioner O'CONNELL. Is your association affiliated with the National Metal Trades' Association?

Mr. MORGAN. We are not.

Commissioner O'CONNELL. Are you affiliated with the National Manufacturers' Association?

Mr. MORGAN. We are not.

Commissioner O'CONNELL. Or any other association of manufacturers or employees?

Mr. MORGAN. Yes, sir.

Commissioner O'CONNELL. What are they?

Mr. MORGAN. The Pennsylvania Manufacturers' Association.

Commissioner O'CONNELL. What is that?

Mr. MORGAN. That is an association of manufacturers covering the State of Pennsylvania, organized for law and legislative purposes.

Commissioner O'CONNELL. Law and legislative purposes?

Mr. MORGAN. Yes, sir.

Commissioner O'CONNELL. What is the difference between law and legislative purposes?

Mr. MORGAN. Law and legislative purposes—merely as to legal matters and legislation.

Commissioner O'CONNELL. Then, your business of employing people and furnishing information does not come in connection at all with that association?

Mr. MORGAN. No; not at all.

Commissioner O'CONNELL. For instance, the Pittsburgh Manufacturers' Association might be a part of that State organization the same as you are. Wouldn't they seek information as to an individual's standing from you?

Mr. MORGAN. No; they do not cover in any way, shape, or form, or have anything that has to do with the employment of labor.

Commissioner O'CONNELL. If one of your firms is involved with its employees in a strike, what procedure or plan or method do you have? How do you operate in that case? I will suppose I am Mr. Brown, running a plant, and am affiliated with you, and I notify you that my people have gone on a strike this morning; what do you do?

Mr. MORGAN. Well, in that case I would notify the president of the association.

Commissioner O'CONNELL. What would he do?

Mr. MORGAN. Call a meeting of the executive committee.

Commissioner O'CONNELL. What would they do?

Mr. MORGAN. They would examine the employer as to the cause—not examine; I don't like that term—ascertain from the employer the cause of the trouble, provided the firm first reports that they wish to have the association exercise its offices one way or the other.

Commissioner O'CONNELL. Suppose the firm complies in full with the requirements of your association, does your association then proceed to take charge of its strike?

Mr. MORGAN. Not without first examining into the merits.

Commissioner O'CONNELL. Supposing the merits are perfectly justifiable, according to your rules and regulations.

Mr. MORGAN. We would cooperate, in that event, with the employer who has the strike.

Commissioner O'CONNELL. If they asked you to seek and secure workmen to take the places of men on the strike, you would then proceed to do so?

Mr. MORGAN. Yes I would, upon authority from the committee.

Commissioner O'CONNELL. Supposing the strike ran along, and the firm's business was stopped, and they found difficulty to get employees, and they could not meet their contractual relations, would the firms to whom they had agreed to furnish material, and so forth—does your bureau insure your members in any way as to financial losses?

Mr. MORGAN. No.

Commissioner O'CONNELL. Or seek to reimburse it in any way?

Mr. MORGAN. No; we have contributed to the expenses of the defense of a strike of that character.

Commissioner O'CONNELL. To what extent?

Mr. MORGAN. That would be decided by the circumstances.

Commissioner O'CONNELL. Would that mean covering the loss of business of the concern?

Mr. MORGAN. The expense of conducting the strike only.

Commissioner O'CONNELL. Handling of the strike, purely?

Mr. MORGAN. Yes, sir.

Commissioner O'CONNELL. That would mean bringing men to take the place of the strikers, housing them, or feeding them, or such other methods as might be adopted?

Mr. MORGAN. It is very rarely necessary to bring men into this field from somewhere else.

Commissioner O'CONNELL. You would, under that arrangement, provide protection for the men, if necessary?

Mr. MORGAN. That has only been necessary in the case that I have cited.

Commissioner O'CONNELL. Would you meet or treat with the representatives of organized labor as an association at all under any circumstances?

Mr. MORGAN. I have had a call, I think, from one since I have been in the city, the pattern makers.

Commissioner O'CONNELL. You attempt to adjust grievances of any kind between members of your bureau and their employees—

Mr. MORGAN (interrupting). That is not within my province.

Commissioner O'CONNELL. You don't act as the business agent?

Mr. MORGAN. No, sir.

Commissioner O'CONNELL. Between the firm or for the firm?

Mr. MORGAN. No, sir; I act under instructions which are furnished me by the committee.

Commissioner O'CONNELL. Mr. Morgan, as an officer of an organization, employee rather, or officer, whatever you consider yourself, you certainly believe in the organization of employers into an association?

Mr. MORGAN. I should not work for them if I did not.

Commissioner O'CONNELL. Then, on the other hand, do you believe the employees ought to organize, too?

Mr. MORGAN. I think that question is a question that should be answered by the employees.

Commissioner O'CONNELL. If you found it, and I judge you have, profitable and beneficial for the employers in the metal trades to be organized into an association, from your experience in that point of view, would it, in your opinion be similarly beneficial for the employees to organize into an association?

Mr. MORGAN. I don't quite get that question.

Commissioner O'CONNELL. Apparently you found it profitable and beneficial for the metal trade employers who are in your association to be in that organization?

Mr. MORGAN. Right.

Commissioner O'CONNELL. To organize in that association?

Mr. MORGAN. Correct.

Commissioner O'CONNELL. Your experience is that that is profitable in the business you have?

Mr. MORGAN. Yes, sir.

Commissioner O'CONNELL. Having had that experience, would it be your opinion that the employees would also be benefited by an organization of themselves into an association?

Mr. MORGAN. I don't think that anybody has any objection to the organization of employees. The employers with whom I come in contact, and I come into contact with a great many, almost to a unit express themselves as not being opposed to labor organizations, properly conducted.

Commissioner O'CONNELL. But they would venture to designate the kind of organization the men should have?

Mr. MORGAN. No. I think that they would like to see some restrictions on militants.

Commissioner O'CONNELL. For instance, what? They should not strike?

Mr. MORGAN. I didn't say so. They have a perfect right to strike. A man who does not like his work has a perfect right to go out personally or with his fellow men.

Commissioner O'CONNELL. If they ever grant that question, they will have some strikes, I think. That is best evidenced by the situation in Pittsburgh to-day.

Mr. MORGAN. Well—

Commissioner O'CONNELL. If your members agreed to change the constitution or by-laws, or if it is not in there against it, could they in some way find some time to meet with and enter into contractual relations with organized labor, if they should enter into such contracts would that interfere with your position? Would you feel personally that you could not continue your position?

Mr. MORGAN. No, sir.

Commissioner O'CONNELL. It is not a personal matter with you?

Mr. MORGAN. No, sir; absolutely not. I take it from the unique position of Philadelphia that the men do not want organization. I had a conversation with your Mr. O'Sullivan along that particular line, who asked me if I might furnish him with a plausible reason why labor organizations have not been able to make any headway in the city of Philadelphia. He said: "You know that we have at various times made some effort, made considerable effort to go ahead with our organizations in the city of Philadelphia. How do you account for the fact that we have not made any headway?" And I replied to him that I think the answer to the question is that that is a question for the workmen to answer. If he wanted collective bargaining, it seems to me he might secure it. If he is in the minority, if organized labor are in this vicinity, as they appear to be, the facts

indicate it, the larger industries will testify to the fact that they are not in favor of collective bargaining, their condition testifies to that fact. The individual mechanic seems to think—and I have talked to many of them face to face, and I can do that in a way that the employer could not, because I am absolutely impartial—and they say to me, I believe we can make a better bargain for our own services—I am speaking now of a highly skilled mechanic; the fellow below the average is looking naturally for collective bargaining.

Commissioner O'CONNELL. Do you suppose he can make a bargain to reduce the hours of labor?

Mr. MORGAN. The individual?

Commissioner O'CONNELL. Yes.

Mr. MORGAN. No, sir; I don't think so. Those things are evolution, I think; that answers that question.

Commissioner O'CONNELL. You think it is possible that he might make an individual arrangement about his wages?

Mr. MORGAN. He does.

Commissioner O'CONNELL. Suppose the wage conditions in Philadelphia be what they may, aren't they somewhat based on wages that have been brought about generally in other sections? If wages went way up elsewhere, by the efforts of organized labor, regardless of the individual effect of unorganized conditions, would the wage conditions at Philadelphia and the hours be affected here?

Mr. MORGAN. Yes, sir.

Commissioner O'CONNELL. If the hours went way up in other cities, do you suppose if all the people in Philadelphia were unorganized that Philadelphia would not have to have an eight-hour day?

Mr. MORGAN. It would have to.

Acting Chairman WEINSTOCK. In speaking with a large employer in another city a short time ago, in discussing strikes and lockouts, he made the statement that the thing the employer has most to fear, under existing industrial conditions, is the sudden strike, catching him unawares and unprepared. He went on to explain that in order to protect himself against the general, sudden strike, he was a member or a subscriber to some organization or some company that furnishes detectives who enter unions as union men, and who keep them apprised of the proceedings of the union, with a view to keeping him thoroughly informed as to when a strike is projected; and if so, when the strike is likely to be declared, thus affording him an opportunity to prepare himself, and in that way to protect himself against the possibility of a sudden strike. What do the Philadelphia employers do, so far as you know, to protect themselves against a sudden strike? Do they likewise follow the method pursued by this particular employer?

Mr. MORGAN. I think I could reply to that; we have absolutely no inside operatives of any kind connected with the Metal Manufacturers' Association of Philadelphia. We keep tab on nobody. We are not organized for the purposes, as I understand it—that is, the company is not an offensive organization—and when it comes to the defensive proposition we are only passively defensive.

Acting Chairman WEINSTOCK. Well, I gathered from the answers given to Commissioner O'Connell that some system of strike insurance exists—haven't you; that is, you indemnify the employer against the striker?

Mr. MORGAN. No, sir. You misunderstood me. It is just the expense, the additional expense, of possibly bringing a few men out of town, or advertising.

Acting Chairman WEINSTOCK. That expense is paid by the association collectively to the individual employer?

Mr. MORGAN. No, sir. Not in its entirety. The association very often—that is to be determined by them, whether they shall contribute any portion; and if so, what portion.

Acting Chairman WEINSTOCK. You probably are aware of the fact, Mr. Morgan, that in Germany and France the employers' associations have sort of an auxiliary department known as the strike insurance department, to which each employer contributes in proportion to the number of men he employs, and when a strike does occur he is indemnified for whatever losses may be involved in the strike. Have you anything along those lines here?

Mr. MORGAN. As an association matter; no, sir. I happen to know that there has been such a company organized quite recently at Wilmington; and for the past three years I have studied the proposition as a business proposition—a question of cost on one side and protection on the other.

Acting Chairman WEINSTOCK. I see.

Mr. MORGAN. To get—or rather, after securing a proper actuarial basis, I think the thing is feasible, either from a mutual standpoint or from a stock standpoint.

Acting Chairman WEINSTOCK. In speaking with the secretary of the employers' association in Berlin, holding relatively the same position that you hold here, Mr. Morgan, I think he said that his association represented about 1,000,000 men on the pay rolls of their collective membership, and he said one of the fundamental purposes of that association was that every employer, every member, had to pledge himself not to recognize or to deal in any way with organized labor. Is your association based upon any such—

Mr. MORGAN. Absolutely not. It is the business proposition which has to do with the insurance of the profit. If, for instance, a concern figured their profit, as indicated by their books, as \$100 a day, and they want a policy for 300 working days in a year to cover that profit, they would buy a certificate for \$30,000 and pay a premium on the figures as we have them at present, from 1 to 1½ per cent, to reimburse him for the loss.

Acting Chairman WEINSTOCK. I take it, then, that the question of recognizing or dealing with organized labor is left to the discretion of each member?

Mr. MORGAN. Absolutely.

Acting Chairman WEINSTOCK. That is, he may or may not do as he wishes?

Mr. MORGAN. I think I can best answer that question by saying that our membership is made up of both open and closed shops. In soliciting membership, and I am the only member of the association who does it, if a member would know of a prospective member, it would be referred to the secretary to do, as the usual party to do the preliminary work and expound the theory of the scheme. I would be referred indiscriminately to either an open or a closed shop, and at the present time we have members of the closed shop, members who work upon the bonus system, piecework, union, or nonunion as they please; no restrictions.

Acting Chairman WEINSTOCK. I take it that the chief function of your association is to act practically as sort of an employment exchange?

Mr. MORGAN. Exactly. Exactly. There is a personality enters into the proposition quite a little. It has got to. The stock in trade and the success of that bureau depends upon securing the confidence of the men that you handle. One man handled incorrectly may turn away hundreds. My desire has always been, and always will be, to bring the men together, the manless job and the jobless man together. If I know of a place in the State where a man can secure a position, we sometimes furnish transportation and things of that kind.

Acting Chairman WEINSTOCK. Are the workers called upon to pay any fee?

Mr. MORGAN. No, sir.

Acting Chairman WEINSTOCK. It is a free employment bureau?

Mr. MORGAN. Free.

Acting Chairman WEINSTOCK. So that it is an advantage to the workers; it protects him against the exploitation by a private employment bureau?

Mr. MORGAN. Yes, sir. I want to say that our bureau here has been subjected to—we talk about the discrimination of the employers' association against organized labor; the discrimination is entirely the other way. At the opening of that bureau there was a fight brought against us, organized labor placed a fine of \$25 against a man who applied there for employment. The place was picketed for two years. During the chandelier strike they were fined if they applied there for a position. The discrimination is the other way.

Acting Chairman WEINSTOCK. Is that due to the fact that organized labor looked with suspicion upon your association?

Mr. MORGAN. I can not say as to the working. I can simply state that as a fact.

I have no quarrel with union men nor with their cause. I have advised when men have come to me and there was trouble and they had a union card that it was wise for them to either go to their union or to drop it and fore-swear the union. I did not want them to carry water on both shoulders. I won't deal with men who do that kind of business.

Acting Chairman WEINSTOCK. Thank you very much.

Mr. MORGAN. If there are any facts you want me to furnish, I will be glad to do so.

Mr. BUSIEK. Those figures I asked you for at the time—

Mr. MORGAN. As to the percentage of employees in the organized shops?

Mr. BUSIEK. Percentage of employees in organized shops and the unorganized shops and the hours of labor.

Mr. MORGAN. The hours of labor the stenographer has.
 Mr. BUSIEK. I see.
 Acting Chairman WEINSTOCK. You said in the earlier part of your testimony that 13 per cent of the members have union contracts employing—
 Mr. MORGAN. I haven't the figures. I will give them to you in a moment. It will take me about two minutes to wade through it.
 (See Hallowell Exhibit No. 1.)

TESTIMONY OF MR. JOHN WATT.

Mr. BUSIEK. State your name, please.
 Mr. WATT. John Watt.
 Mr. BUSIEK. Your occupation.
 Mr. WATT. Business agent of the pattern makers' association, Philadelphia.
 Mr. BUSIEK. How long have you held that position?
 Mr. WATT. Twenty-one months.
 Mr. BUSIEK. Prior to that time what did you do?
 Mr. WATT. Pattern maker.
 Mr. BUSIEK. Here in Philadelphia?
 Mr. WATT. City of New York.
 Mr. BUSIEK. In the city of New York?
 Mr. WATT. Yes.
 Mr. BUSIEK. How long have you been in Philadelphia?
 Mr. WATT. Twenty-one months.
 Mr. BUSIEK. Twenty-one months?
 Mr. WATT. Yes, sir.
 Mr. BUSIEK. Did you come down here for the purpose of organizing the pattern makers?
 Mr. WATT. That was the intention; yes, sir.
 Mr. BUSIEK. Have you any objection to giving the figure on your organization—the percentage of pattern makers working here that belong to your association?
 Mr. WATT. None whatever.
 Mr. BUSIEK. How many pattern makers are there employed here in Philadelphia, approximately?
 Mr. WATT. Approximately 600.
 Mr. BUSIEK. And how strongly are you organized?
 Mr. WATT. About 70 per cent.
 Mr. BUSIEK. About 70 per cent?
 Mr. WATT. Yes.
 Mr. BUSIEK. Have you any closed shops in Philadelphia?
 Mr. WATT. Yes.
 Mr. BUSIEK. About how many men working in closed shops?
 Mr. WATT. Well, there are about 200.
 Mr. BUSIEK. About 200?
 Mr. WATT. Yes.
 Mr. BUSIEK. And your other men working in the other open shops?
 Mr. WATT. Yes, sir.
 Mr. BUSIEK. What are the prevailing hours in Philadelphia for men of your craft?
 Mr. WATT. They are very mixed. They run from 10½ a day down to 8 hours a day, running in all class of hours, 10½, 10¼, 9, 9½, and so on, down to 8 hours.
 Mr. BUSIEK. What are the hours for pattern makers in other large cities where they are strongly organized?
 Mr. WATT. Eight and nine hours a day.
 Mr. BUSIEK. How do the wages paid in Philadelphia compare with other cities, in what kind of proportion in the competitive points, the cities south of New York on the Atlantic coast?
 Mr. WATT. They run about one-third lower in the city of Philadelphia than they do in any other first-class city.
 Mr. BUSIEK. I don't mean in my question to establish the fact that those conditions were purely competitive, but that distinction has been made that Philadelphia should not be classed with New York. How do they run in New York?
 Mr. WATT. About one-third higher in New York, and the hours shorter.
 Mr. BUSIEK. From your experience here in Philadelphia, how do the men compare in skill with other cities?

Mr. WATT. Equally as good as mechanics as they are anywhere in the country.

Mr. BUSIEK. As good all around mechanics, are they?

Mr. WATT. Yes, sir.

Mr. BUSIEK. Is there any specialization in Philadelphia?

Mr. WATT. There are not, with the exception of the Baldwin Locomotive Works, where they specialize. They systematize their work so that a man only works on one particular piece and knows nothing else only that particular part here, but they are hired in the pattern department, but we don't class them as pattern makers. We only—they only know that particular thing, as a rule they are not fit to do anything else after they pass out of that employment.

Mr. BUSIEK. Are they eligible to membership in your union?

Mr. WATT. Not unless that they could prove they would be able to maintain the wage conditions.

Mr. BUSIEK. That means they would have to show they are all around mechanics?

Mr. WATT. Yes, sir.

Mr. BUSIEK. Are you familiar with sanitary conditions here in Philadelphia in the shops as compared with other cities?

Mr. WATT. Well, the jobbing pattern shops as a rule are very lax in that direction. Very lax all through.

Mr. BUSIEK. Does that consist in noncompliance with existing laws?

Mr. WATT. Why, it don't look as though they paid any attention to any law at all in reference to that. They just simply do as they please and any old thing will do.

Mr. BUSIEK. Well, the failure of proper conditions to exist, according to your statement, is that due to defects in the law, or is it due to lax enforcement of the law?

Mr. WATT. I would say, possibly, lax enforcement of the law.

Mr. BUSIEK. What do you know about any system of bonuses or premiums in vogue in Philadelphia?

Mr. WATT. In the pattern-making line they are practiced to a greater degree in Philadelphia than they are in any other part of the country, and due to the fact, I believe, and I think I am right in believing so, to the ignorance of the people who are having these patterns made, because if they knew their business or knew anything about the business, they would not have such a system in vogue, because the cheaper plants and the most productive plants in the country pay the higher wages and better conditions and do not practice these bonus or piecework systems, and the larger concerns in this country. But in Philadelphia unfortunately they have resorted to this peculiar method that I claim is a losing method every way.

Mr. BUSIEK. Well, I just want to ask you one more question. Do you find any discrimination against members of your organization amongst the employers in Philadelphia?

Mr. WATT. Yes, sir.

Mr. BUSIEK. Have you any substantial evidence of any black list?

Mr. WATT. I can't say that I have; but I do know in the Baldwin Locomotive Works the foreman of the pattern department at Eddystone came directly to the men at the bench and said to them, "You can take one of two positions; you can either give up your position here or give up your membership in the pattern makers' association."

Mr. BUSIEK. Were those men active in proselyting among their fellow workers?

Mr. WATT. No; they were not particularly active. They were good paying members and kept themselves in good standing; that is all.

Mr. BUSIEK. The point I am trying to get at is this: The Baldwin people claim that they have no objection to a man belonging to a union so long as he don't carry his views into the shop and attempts to convert fellow members. Have you had any conversation with these men who were discharged from the Baldwin plant as to whether or not they carried on their union propaganda in the shop?

Mr. WATT. I know they did not do anything of the kind. They don't have to.

Mr. BUSIEK. Have you had any conversation with them on that subject—whether or not they did do that?

Mr. WATT. Oh, yes; I have asked were they acting in any way that was detrimental to themselves or to the organization; and they said no, they were attending to their business.

Mr. BUSIEK. What I am trying to get at is some take the attitude it would not be detrimental to themselves or the organization to carry on union propaganda in the shop? Have you any definite information as to whether or not they did in fact refrain from this activity in the shop?

Mr. WATT. Why, of course they refrained from it, because they always had the fear instilled into them that they would lose their jobs if they showed any disposition to carry it on. They naturally, to save their positions, kept quiet. But, singularly, one particular day the foreman came and he picked out every man that was a member of the organization and went to him—he only skipped one; I don't know how he missed that fellow—and he told them they would either have to give up their jobs or give up their membership, and, I am pleased to state, some of them gave up their jobs, and some of them presumably gave up their membership.

Mr. BUSIEK. That is all; thank you.

Mr. WATT. I was going to say, Mr. Chairman, I had a little memorandum on vocational schools that I think might interest you and an agreement we had with the city of New York between the Pattern Makers' Association of New York and the Board of Education of the City of New York.

Mr. BUSIEK. Will you be good enough to leave that with the reporters?

Mr. WATT. I will give you a copy of it.

Mr. BUSIEK. I might suggest we will have a hearing on that matter, and if you will embody your suggestions in writing and hand them to the commission, we will file them as though it were testimony given with the hearing on that subject and the commission will be very grateful to you.

Mr. WATT. All right, sir.

TESTIMONY OF MR. DAVID NAPIER.

Mr. BUSIEK. Please state your name.

Mr. NAPIER. David Napier.

Mr. BUSIEK. You are business agent of the Brotherhood of Boiler Makers and Iron Ship Builders' Union here in Philadelphia?

Mr. NAPIER. Yes, sir.

Mr. BUSIEK. How long have you occupied that position?

Mr. NAPIER. Five years.

Mr. BUSIEK. Are you also employed in addition to your duties in the active work of boiler making?

Mr. NAPIER. No, sir; I am employed solely by Local 341 of the International Brotherhood of Boiler Makers.

Mr. BUSIEK. And devote your entire time to that?

Mr. NAPIER. Yes, sir; and devote my entire time to that.

Mr. BUSIEK. Did you work at your trade here in Philadelphia?

Mr. NAPIER. Yes, sir; for 18 years.

Mr. BUSIEK. For 18 years prior to the time you took this position?

Mr. NAPIER. Yes, sir.

Mr. BUSIEK. You are thoroughly familiar with working conditions amongst the men of your craft?

Mr. NAPIER. Yes, sir.

Mr. BUSIEK. What is the general scale of boiler makers here in Philadelphia?

Mr. NAPIER. From 37½ cents down.

Acting Chairman WEINSTOCK. From what?

Mr. NAPIER. Thirty-seven and one-half down in the shop.

Commissioner LENNON. Was that 37½ or 57½?

Mr. NAPIER. Thirty-seven and one-half down in the shop. We have a union rate that we get outside from 55 cents for boilermakers.

Mr. BUSIEK. You get outside?

Mr. NAPIER. Yes, sir.

Mr. BUSIEK. Where is that?

Mr. NAPIER. That is, well, we are affiliated with the building trades department in the city of Philadelphia, the boilermakers are, and through the assistance of this building trades department we control all the work in the buildings and for that we have a wage scale of 55 cents per hour in the building.

Acting Chairman WEINSTOCK. Fifty cents or fifty-five cents?

Mr. NAPIER. Fifty cents in the buildings, sir; and in tank work around the oil stations we have a scale of 55 cents per hour.

Mr. BUSIEK. Have you any objection to giving the commission the number of men enrolled in your union?

Mr. NAPIER. Not a bit, sir.

Mr. BUSIEK. How many men have you?

Mr. NAPIER. We have in the local that I represent—we had 125 men, from that to 150.

Mr. BUSIEK. Is that the only local in Philadelphia?

Mr. NAPIER. No, sir; there is about 300 union men in Philadelphia.

Mr. BUSIEK. And how many boiler makers are there in Philadelphia, about?

Mr. NAPIER. There are about 5,000 workers at the trade.

Mr. BUSIEK. About 5,000?

Mr. NAPIER. Yes, sir.

Mr. BUSIEK. Has your organization ever had a higher membership here?

Mr. NAPIER. Oh, yes.

Mr. BUSIEK. About how high—what was the highest figure?

Mr. NAPIER. In 1903 we organized in the city of Philadelphia and we had about 600 members there. In 1904, I believe, the money factors organized simply to put us out of commission.

Mr. BUSIEK. The what?

Mr. NAPIER. The manufacturers organized to put us out of commission, and they succeeded pretty well in doing so.

Acting Chairman WEINSTOCK. Let me see if we have got your figures correctly. Are we to understand that out of 5,000 boiler makers in the city of Philadelphia there are about 300 organized?

Mr. NAPIER. Yes, sir.

Acting Chairman WEINSTOCK. The remaining 4,700 are unorganized?

Mr. NAPIER. Yes, sir.

Mr. BUSIEK. And in 1905 there was an organization amongst the boiler manufacturers or the employers?

Mr. NAPIER. I believe that in about 1905 they organized.

Mr. BUSIEK. And your belief is that they organized to put you out of business?

Mr. NAPIER. My private belief.

Mr. BUSIEK. Have you been a victim or have your members been victims?

Mr. NAPIER. Yes; we have been discriminated against all around.

Mr. BUSIEK. State the method of persecution as you find it.

Mr. NAPIER. Well, so far as a shop in the city which I am familiar with and which I have worked in, we can not say the money factors there have adopted any such proceeding as persecutors, but in Baldwin's I know they have done so.

Mr. BUSIEK. In Baldwin's?

Mr. NAPIER. Yes, sir.

Mr. BUSIEK. That is the only one where you —

Mr. NAPIER (interrupting). That is the only one I can positively say that they do.

Mr. BUSIEK. Are you willing to state that outside of Baldwin's the manufacturers show an indifference as to whether or not their men belong to the union or not in your craft?

Mr. NAPIER. Well, now, they do not show an indifference. There is about—well, 10 per cent are quite willing to handle union men and the other 90 per cent do not want to have anything to do with them.

Mr. BUSIEK. Do they ask the man that question when he applies for work?

Mr. NAPIER. Well, they show that by not hiring them.

Mr. BUSIEK. That what?

Mr. NAPIER. They show that by not hiring them.

Mr. BUSIEK. Well, an individual employer certainly can not know when a man makes application whether or not he is a union man unless he asks him that question, can they?

Mr. NAPIER. Well, they don't ask that only in about four shops. We have two closed shops in the city, but we have got about four shops that employ our men, but we have open-shop propositions.

Mr. BUSIEK. What I am trying to get at is, some of these big shops that you say don't actively persecute you?

Mr. NAPIER. No, sir.

Mr. BUSIEK. A man goes there and they don't ask him whether or not he is a member of a union?

Mr. NAPIER. No, sir.

Mr. BUSIEK. Do they show indifference to that?

Mr. NAPIER. Total indifference.

Mr. BUSIEK. You say that is about 90 per cent of the shops?

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Mr. NAPIER. Well, that is, about 90 per cent of the shops won't handle a union man at all.

Mr. BUSIEK. Well——

Mr. NAPIER. There is about 10 per cent that will handle them, and 90 per cent of them will not handle them.

Mr. BUSIEK. Well, you said your organization has never had a membership of more than 500?

Mr. NAPIER. Well, in Baldwin's we had a membership of 2,200.

Mr. BUSIEK. In Baldwin's?

Mr. NAPIER. In 1911.

Mr. BUSIEK. Twenty-two hundred?

Mr. NAPIER. In Baldwin's.

Mr. BUSIEK. Twenty-two hundred boiler makers in Baldwin's?

Mr. NAPIER. Twenty-two hundred boiler makers in Baldwin's Locomotive Works, and to-day I don't believe you could put your hand on a union man in Baldwin's Locomotive Works.

Mr. BUSIEK. Did Baldwin have any trade agreement with your union?

Mr. NAPIER. Well, now, I don't think they had. That was in the hands of one of the national organizers. I was not interested much in the Baldwin plant because it did not come into my jurisdiction.

Mr. BUSIEK. Then the only method used to break down the unions here is to prevent the further organizing of the boiler makers, so far as your knowledge extends, is the fact that the shop won't hire a known union man?

Mr. NAPIER. Yes, sir.

Mr. BUSIEK. Do you know of the existence of any black list among the manufacturers?

Mr. NAPIER. No; they think it is not worth while to black list.

Mr. BUSIEK. Your opinion is that the manufacturers don't think it worth while to black list.

Mr. NAPIER. Yes.

Mr. BUSIEK. That is all.

(Witness excused.)

Is Mr. Torpy here?

TESTIMONY OF MR. CHARLES B. TORPY.

Mr. BUSIEK. Please state your name. You may be seated.

Mr. TORPY. Charles B. Torpy.

Mr. BUSIEK. And you are business agent of the molders' union?

Mr. TORPY. Yes, sir.

Mr. BUSIEK. What local?

Mr. TORPY. I represent nine locals.

Mr. BUSIEK. Nine locals?

Mr. TORPY. In this district.

Mr. BUSIEK. In this district?

Mr. TORPY. Yes, sir.

Mr. BUSIEK. Are they all in Philadelphia?

Mr. TORPY. No, sir.

Mr. BUSIEK. How many in Philadelphia?

Mr. TORPY. Three at the present time.

Mr. BUSIEK. How long have you been business agent of the molders' union?

Mr. TORPY. Since 1907, seven years next September.

Mr. BUSIEK. How long have you been familiar with conditions in your craft in Philadelphia?

Mr. TORPY. I guess it is 1876 when I first went into the foundry.

Mr. BUSIEK. That is some time?

Mr. TORPY. Yes, sir.

Mr. BUSIEK. What are the prevailing hours of the men in your craft here in Philadelphia?

Mr. TORPY. As a rule nine hours is the union rates in some 24 shops or, I guess, 25.

Mr. BUSIEK. And what is the prevailing rate in the nonunion shops?

Mr. TORPY. Probably 10 or 10½ hours, somewhere in that neighborhood, I think.

Mr. BUSIEK. Have you any objection to giving the number of men that belong to the various locals here in Philadelphia?

Mr. TORPY. There is about 85 per cent of the molders of Philadelphia organized.

Mr. BUSIEK. About 85 per cent?

Mr. TORPY. In our union; yes, sir.

Mr. BUSIEK. How many molders are there in Philadelphia, approximately?

Mr. TORPY. Well, about 1,600 or 1,700, I guess.

Mr. BUSIEK. Sixteen or seventeen hundred?

Mr. TORPY. Yes. It may not run that high. I don't think it does. Well, it may.

Mr. BUSIEK. Is there any general dissatisfaction existing among the molders with the wages and hours of employment?

Mr. TORPY. There is at the present time. We have four shops that we struck last July; one shop in particular was mentioned here to-day; that is, the members of our organization are still doing picket duty on that shop.

Mr. BUSIEK. What, in general, is your grievance—just in brief?

Mr. TORPY. This shop absolutely refused to pay what 24 other foundrymen in the city paid, \$3.50 a day and nine hours for molders and core makers alike.

Mr. BUSIEK. That is what you are standing out for?

Mr. TORPY. Yes, sir.

Mr. BUSIEK. With an 85 per cent organization—or, I should ask first, do the nonunion shops pay that scale generally that you are striking for?

Mr. TORPY. We have nine shops in Philadelphia; but I hope you will not ask me their names. I don't want to give you those.

Mr. BUSIEK. All right.

Mr. TORPY. Whom we consider as open shops or very fair; that is, they are not strictly union shops, but they pay the rate and the hours, and better than the rate and the hours, in the union shops themselves. There are nine in the city who pay a better rate than the union shop, the minimum rate in the union shop.

Mr. BUSIEK. Have you any objection to stating how many men are employed in those shops?

Mr. TORPY. In those nine shops it would be a pretty hard matter at the present time.

Mr. BUSIEK. Just roughly?

Mr. TORPY. Well, I suppose in normal conditions those nine shops would employ about in the neighborhood of 200 men, or, I think, 175.

Mr. BUSIEK. Why is it, with an organization of about 85 per cent of the molders and dissatisfaction existing with the conditions of so many shops, that you with your strength, have not struck for higher wages?

Mr. TORPY. Well, I don't believe the molders' union is such a cold-blooded organization as many of our manufacturers would have us to believe. In 1900 the molders' union, or the molders in the city of Philadelphia, felt or deemed it was wise to start an organization. Now, the rate of wages at that time was in the neighborhood of \$2.50 a day, and probably \$2 a day for the core makers. We jumped from \$2.50 a day to \$2.75, from \$2.75 to \$2.90, from \$2.90 to \$3.25, from \$3.25 to \$3.40, and from \$3.40 to \$3.50 at the present time for the molders and core makers.

Mr. BUSIEK. And your operation is what?

Mr. TORPY. One of a conservative nature—to give the employer ample time to adjust himself to those conditions of that increase in wages.

Mr. BUSIEK. And your organization is one of the kind of good unions that these men have found desirable?

Mr. TORPY. I believe it is the best in existence.

Mr. BUSIEK. What are the sanitary conditions in the shops in Philadelphia?

Mr. TORPY. Well, in the jobbing and machinery very bad. We have a law—I have a copy of it here and I will supply the commission with it—but it is not being enforced at the present time, and we have not made any great effort, owing to the business depression in trade, to enforce the law.

Mr. BUSIEK. Well, there would be two ways of enforcing that, and one would be by complaint to the employers and the other would be by complaint to the authorities?

Mr. TORPY. I believe there are three ways.

Mr. BUSIEK. What is the third?

Mr. TORPY. The third is the laying down of your tools and refusing to work under those conditions any longer.

Mr. BUSIEK. I had that in mind at first. But are the authorities here in Philadelphia deaf to your complaints about this, or have you made any complaints?

Mr. TORPY. Oh, no; because this law was only enacted at the last legislature or amended at the last legislature, and, as stated before, owing to trade conditions and other causes, we have not made any great effort to enforce the law. But I want to say this, that all the stove shops, and probably four or five other shops, provide washrooms and lockers where the men can wash up after their day's work, and suitable toilets, and all that sort of thing, and put on their clothes; but, as a rule, the jobbing and machinery shops—we taken, for instance, the Baldwin plant—we got to Eddystone there and we see a corrugated-iron building probably two squares long, and you can read the stars on a dark night through the roof, and see through the side of the building in many places. There are no provisions made there for a man to wash himself or change his clothes, and they are compelled to get on the train and trolley cars soaking wet with sweat this time of year, and in the winter time come out in that cold blast and walk probably a square to the train with their clothes soaking wet; no provisions made at all for a man to protect himself for his health.

Mr. BUSIEK. That is all.

Acting Chairman WEINSTOCK. Have you any questions, Mr. Delano?

Commissioner DELANO. No.

Acting Chairman WEINSTOCK. Mr. O'Connell?

Commissioner O'CONNELL. You heard Mr. Schwacke this morning mention a local molders strike here that has been on for about nine months?

Mr. TORPY. Yes, sir.

Commissioner O'CONNELL. He was asked the question whether there was any proposal toward the adjustment of that by the use of arbitration, etc., before the strike had occurred. Can you give us any information on that matter?

Mr. TORPY. In April last I believe we served notice on every foundryman in this city of Philadelphia, open shops, union shops of every description, that we wanted a higher wage rate and shorter hours. In May or the early part of June we received word from a body of foundrymen of Philadelphia, known as the Philadelphia Foundrymen's Club, to meet us and to discuss this affair and adjust it if possible.

Commissioner O'CONNELL. Philadelphia Foundrymen's Club?

Mr. TORPY. Philadelphia Foundrymen's Club.

Commissioner O'CONNELL. What is that?

Mr. TORPY. That is an organization composed of the local foundrymen here in Philadelphia. We met them and after several conferences they stated at that time there were 26 foundrymen members in that club in the city of Philadelphia. We had agreed on the following wage rate, on and after July 1, 1913, a minimum wage rate for molders and core makers shall be \$3.10 a day of nine hours. It is if further agreed that on after January 1, 1913, the minimum rate of wages for molders and core makers shall be \$3.50 per day of nine hours. There were four shops in the city of Philadelphia who refused to pay this rate. The Schiller & Hampshire Foundry was stated to be members of this Philadelphia Foundrymen's Club at our conference.

Commissioner O'CONNELL. That is the firm that has the strike on?

Mr. TORPY. Yes, sir.

Commissioner O'CONNELL. What did you call them?

Mr. TORPY. Schiller & Hampshire, 811 Fairmont Avenue. I visited Mr. Schiller and he stated that they were not members of the Philadelphia Foundrymen's Club. That was along in the latter part of June. He stated to me then at that time that he wanted to be shown. He asked me for specific data on certain shops, and I was not in a position at that time to give it to him, and I said I would call back in a day or two, Mr. Schiller, and give you this. I went out and got the desired information, and I went back and I told Mr. Schiller. We dragged on then that this rate was to become effective on July 1, or otherwise the men were to quit work. Along around the 4th of July or the 5th of July the men became uneasy. I said: "You fellows just remain at work, I believe this fellow will pay the rate." And from then on until the 11th day of July I had visited Mr. Schiller twice, and had also with me the assistant business agent, Mr. Cronin, and three days previous to the strike or the men quitting work the men in the shop spoke to Mr. Schiller and tried to induce him to pay the rate, and he would give them the little old story, this and that, and talk to the men privately, and the result was that he would not give them any definite understanding either one way or another any more than that he told one or two men he would not pay the rate. That is the cause of the Schiller shop strike. Now, that statement is not true that we did not make any effort

to adjust this strike or any other strike ever since I have been a member of the organization before we struck.

Acting Chairman WEINSTOCK. Will you return at 2 o'clock, Mr. Torpy?

Mr. Torpy. Yes, sir.

(Whereupon, at 12.30 p. m., a recess was taken until 2 p. m.)

AFTER RECESS—2 P. M.

Mr. BUSIFK. You may resume the stand, Mr. Torpy.

TESTIMONY OF MR. CHARLES B. TORPY—Continued.

Commissioner O'CONNELL. Mr. Torpy, we have had some of the representatives of the large metals trades firms in this city before us?

Mr. Torpy. Yes, sir.

Commissioner O'CONNELL. For instance, the Baldwin Co., the Cramp Shipbuilding Co., the Sellers Co., and the steel company, the Midvale Co.?

Mr. Torpy. Yes, sir.

Commissioner O'CONNELL. All claiming that there is no discrimination between union and nonunion employees. How many molders, for instance, are employed by the Baldwin Co.?

Mr. Torpy. There are not many of our union, because they are not permitted to work there, when it becomes known they are union men.

Commissioner O'CONNELL. Approximately, how many molders altogether are employed there?

Mr. Torpy. Under normal conditions they employ molders and core makers—employ in the neighborhood of 400 or 425.

Commissioner O'CONNELL. Do you have any members employed there?

Mr. Torpy. Well, I might say no.

Commissioner O'CONNELL. The Midvale Steel Co.?

Mr. Torpy. The same applies there.

Commissioner O'CONNELL. How many molders, approximately, do they employ?

Mr. Torpy. I don't believe they employ over 35 or 40. I am not acquainted much with the Midvale.

Commissioner O'CONNELL. The Sellers Co.?

Mr. Torpy. The Sellers Co., they did employ, previous to 1905, I believe, there were 80 or 85 men, who came out on strike in there. At the present time I believe they have got about, not counting the machine men, about 12 or 14 men on the floor, on the heavy type of work. They have some 20 machine operators there, or 24.

Commissioner O'CONNELL. Now, the Cramp Shipyard Co.?

Mr. Torpy. The Cramps employ, I guess, in the neighborhood, in the iron and brass, of possibly 90 or 100 men. Somewheres around in that neighborhood.

Commissioner O'CONNELL. Then those four large concerns employ approximately, in normal times, 1,000 molders?

Mr. Torpy. Yes. Well, 800, anyway.

Commissioner O'CONNELL. And, as a rule, they do not employ union men?

Mr. Torpy. No, sir. They won't employ union men if they can get others to take their places.

Commissioner O'CONNELL. What is the reason for that?

Mr. Torpy. Well, the reason, I guess, in the Baldwin plant is they had a strike there along in 1910, and after that strike they decided to not employ any more union men. It was a sort of a sympathetic strike, the molder was, and ever since then they have absolutely refused to employ union men. I heard Mr. Johnson's statement—

Commissioner O'CONNELL. I want to ask one more question before you go on that.

One of the representatives—I think it was Mr. Tobin, of the blacksmiths—when he was on the stand, said that the officials of the Baldwin Co.—I mean both the superintendents and foremen—had demanded of the men that they turn in their union books.

Mr. Torpy. That is true.

Commissioner O'CONNELL. Have you had that experience with the molders?

Mr. Torpy. Yes, sir. Mr. Sanderson, the superintendent down there, called the men in the office, and their foremen also, and demanded the men to quit the union or their jobs. Mr. Sanderson, he called the men in the office and asked

them, when reemploying them after the strike, telling them, to work there, they must give up the union.

Commissioner O'CONNELL. Then, if you have a membership of about 85 per cent of the molders in Philadelphia, that 15 per cent not in your organization is largely represented in those four large concerns?

Mr. TORPY. Yes, sir. Of course you do not exactly include the Eddystone plant, because that is not under the jurisdiction of this conference board; but it has a local union of its own. There is a local union in the city of Chester.

Commissioner O'CONNELL. You said that at the Eddystone plant, this morning, the sanitary conditions and the arrangements for the convenience of the men as to washrooms and that sort of thing were very indifferent, if any at all?

Mr. TORPY. Well, they have none at all.

Commissioner O'CONNELL. Eddystone is a part of the Baldwin plant?

Mr. TORPY. Part of the Baldwin plant; they have no provision made for the man to wash and change his clothes in, or anything of that kind.

Commissioner O'CONNELL. Is it a pretty general thing in large plants in Philadelphia—

Mr. TORPY. Yes, sir; I don't know a job and machinery shop in this district that makes those provisions. Every one of the other shops has washrooms, lockers, and a shop such as the Enterprise and the North Bros. and a few more of the specialty and hardware shops.

Commissioner O'CONNELL. Then the opportunity of a molder in Philadelphia getting a shower bath or a plunge bath in a job, as seems to be the arrangement in some other cities, is rather an unknown quantity?

Mr. TORPY. Here it is unknown—here in the job and machinery shops.

Commissioner O'CONNELL. I suppose it might be dangerous for a molder to take a shower bath here?

Mr. TORPY. I guess it would; I believe he would take cold if he got the opportunity to take a bath. [Laughter.]

Acting Chairman WEINSTOCK. Any questions, Mr. Lennon?

Commissioner LENNON. No.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Torpy.

Mr. TORPY. I would like to state that we have an agreement with the stove manufacturers of this country—

Commissioner O'CONNELL (interrupting). Oh, yes; I intended to ask you about that.

Just state what relations you have with the stove manufacturers?

Mr. TORPY. Yes; we have an agreement with the stove manufacturers, have had since 1891, and during that period we have not had a strike in any of the shops of the National Stove Defense Association. We meet yearly, or every other year, according to the trade conditions, and sit down and probably take two or three days and talk the conditions of the trade, and the increased cost of living, and we have always been able to get along agreeably to both sides. I can not say we are always satisfied, or I can not say the manufacturers are always satisfied; but we always abide by the decision of the committees selected by both sides.

Commissioner O'CONNELL. Then you have been in contractual relations with the Founders' Defense Association, which is the manufacturers of stoves of this country?

Mr. TORPY. Yes.

Commissioner O'CONNELL. Since 1891?

Mr. TORPY. Yes.

Commissioner O'CONNELL. Since that time there has not been a strike of the stove foundries of this country?

Mr. TORPY. Not in the members of the Stove Defense Association, and that takes in, I am informed, about 98 per cent of the stove manufacturers of the United States and Canada.

Commissioner O'CONNELL. That is all, Mr. Chairman.

Acting Chairman WEINSTOCK. That is all; thank you, Mr. Torpy.

Mr. BUSIEK. This completes that part of our hearing, devoted to the metal trades of Philadelphia.

The commission will now take up the subject of vocational training.

(Witness excused.)

EXHIBITS.

JOHNSON EXHIBIT NO. 3.

The Baldwin Locomotive Works—Recapitulation—Injuries and deaths covering accidents to shop employees, by months, 1911-1915.

Date	Fatal	Serious (14 days or more)	Not serious (4 to 14 days)	Total	Slight (1 day or less)	No disa- bility	Grand total	Number of shop employ- ees	Serious accidents per 1,000.
January,									
1911.....	2	21	36	59	28	111	198	15,475	8.8
1912.....		5	12	17	16	35	68	9,814	1.7
1913.....	1	35	43	79	163	60	302	17,079	4.6
1914.....	0	12	17	29	63	3	95	7,512	3.8
1915.....									
February									
1911.....		11	20	34	31	90	155	11,929	2.2
1912.....		9	7	16	10	29	55	6,955	2.3
1913.....		17	18	35	128	31	195	16,161	2.2
1914.....	0	11	14	25	58	6	89	7,666	3.2
1915.....									
March									
1911.....	2	23	21	48	28	83	159	11,194	3.4
1912.....		9	9	18	23	28	69	7,200	2.4
1913.....		24	35	59	122	90	280	15,692	3.7
1914.....		18	19	37	56	27	120	8,101	4.56
1915.....									
April									
1911.....	1	11	25	49	31	96	170	13,652	2.9
1912.....	1	14	25	40	15	68	123	8,956	3.1
1913.....		27	47	74	116	127	317	16,252	4.5
1914.....	1	4	21	26	39	22	87	7,437	3.5
1915.....									
May									
1911.....	1	11	29	41	21	79	141	11,450	3.0
1912.....	1	15	32	48	89	81	218	10,522	4.5
1913.....		23	43	66	191	126	383	16,465	1.0
1914.....	1	13	20	34	83	42	159	7,628	4.5
1915.....									
June									
1911.....		6	7	13	11	42	69	10,584	1.2
1912.....	1	23	31	58	97	163	318	13,193	4.3
1913.....	1	32	45	78	187	117	412	15,869	1.6
1914.....									
1915.....									
July									
1911.....	1	12	16	29	29	57	115	8,631	3.2
1912.....	1	25	49	75	75	217	397	11,087	5.4
1913.....		31	50	84	218	82	414	15,813	5.0
1914.....									
1915.....									
August									
1911.....		16	25	41	32	92	165	11,712	3.5
1912.....		35	47	82	210	117	419	15,997	5.1
1913.....		37	47	84	251	58	393	16,818	5.0
1914.....									
1915.....									
September,									
1911.....	2	26	21	46	32	195	183	12,671	3.6
1912.....		31	28	62	266	91	419	17,103	3.6
1913.....		31	55	89	157	116	359	15,649	5.4
1914.....									
1915.....									
October:									
1911.....	1	14	33	48	25	136	299	12,498	3.7
1912.....	2	36	48	86	272	80	438	17,297	4.9
1913.....		25	40	65	122	55	242	13,316	4.8
1914.....									
1915.....									

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The Baldwin Locomotive Works—Recapitulation—Injuries and deaths covering accidents to shop employees, by months, 1911–1915—Continued.

Date	Total	Serious (14 days or more)	Not serious (4 to 14 days)	Total	Slight (3 days or less).	No disa- bility.	Grand total	Number of shop employ- ees.	Serious accidents per 1,000.
November									
1911.....		7	18	25	34	101	160	12,710	1 9
1912.....	1	50	48	99	207	71	377	17,864	5 5
1913.....		13	26	39	102	26	167	11,261	3 4
1914.....									
1915.....									
December:									
1911.....	1	13	13	27	31	89	147	12,496	2 1
1912.....	1	20	36	60	201	41	242	18,030	3 1
1913.....		25	20	45	95	21	165	10,106	4 5
1914.....									
1915.....									
Total									
1911....	11	171	269	451	339	1,081	1,871		
1912....	11	275	375	661	1,541	1,051	3,193		
1913....	2	323	469	794	1,943	951	3,661		
1914....									
1915....									
Average per month									
1911.....	0 9	14	22	38	28	60	156	12,780	2 9
1912.....	9	23	31	55	128	88	266	13,090	4 2
1913.....	17	27	39	66	159	79	305	15,208	4 3
1914.....									
1915.....									

MORGAN EXHIBIT NO. 2.

	Working hours			Employ- ees.	Classifi- cation.
	Daily	Saturday	Weekly		
Thompson Bros.....	10½	6	58½	10	M
Thwing Instrument Co.....	9	5	50	10	M
Underwood & Co., H. B.....	9½	5½	54	58	M
Webster & Co., Warren.....	9½	5½	54	141	M.
Wicaco Screw & Machine Works.....	10	5	55	15	M
Wright Manufacturing Co.....	10	5	55	41	B.
Yarnall-Waring Co.....	10	5½	55½	23	M.

NOTE.—Brass novelties, B; chandelier manufacturers, C; foundries, F; machine shops, M; pattern shops, P; brass-goods manufacturers and foundries, B and F; machine shops and foundries, M and F; machine shop, foundry, and pattern shop, M, F, and P.

Brass-novelty manufacturers:

1 shop employing 33 men working 52 hours per week.

2 shops employing 81 men working 55 hours per week.

Chandelier manufacturers:

9 shops employing 509 men working 55 hours per week.

Foundries:

2 shops employing 187 men working 51 hours per week.

1 shop employing 26 men working 55 hours per week.

1 shop employing 32 men working 60 hours per week.

Machine shops:

1 shop employing 10 men working 50 hours per week.

2 shops employing 80 men working 52½ hours per week.

6 shops employing 725 men working 54 hours per week.

1 shop employing 255 men working 54½ hours per week.

9 shops employing 492 men working 55 hours per week.

2 shops employing 33 men working 55½ hours per week.

2 shops employing 83 men working 50½ hours per week.

Machine shops—Continued.

- 1 shop employing 13 men working 57½ hours per week.
- 2 shops employing 67 men working 57½ hours per week.
- 1 shop employing 44 men working 57½ hours per week.
- 1 shop employing 16 men working 58 hours per week.
- 1 shop employing 10 men working 58½ hours per week.
- 1 shop employing 505 men working 59 hours per week.

Pattern shops:

- 2 shops employing 28 men working 54 hours per week.
- 1 shop employing 15 men working 55 hours per week.

Brass-goods manufacturers and foundries:

- 2 shops employing 136 men working 55 hours per week.
- 1 shop employing 127 men working 55½ hours per week.
- 1 shop employing 79 men working 57½ hours per week.

Machine shops and foundries:

- 5 shops employing 1,460 men working 55 hours per week.
- 4 shops employing 1,028 men working 56½ hours per week.
- 1 shop employing 188 men working 57½ hours per week.

Machine shop, foundry, and pattern shop:

- 1 shop employing 84 men working 55 hours per week.

HALLOWELL EXHIBIT NO. 1.

[Submitted as substitute for testimony, June 23, 1914.]

*Mr. Hallowell's statement.*¹

Hours of labor:

Office and drawing room—8 a. m. to 12 m., 4 hours; 12.45 p. m. to 5 p. m., 4½ hours—8½ hours. Saturday, 8 a. m. to 1 p. m., 5 hours. Total for week, 46½ hours.

Machine shop—7 a. m. to 12 m., 5 hours; 12.42 p. m. to 5.42 p. m., 5 hours—10 hours. Saturday, 7 a. m. to 12.15 p. m., 5½ hours. Total for week, 55½ hours.

Working at present—8 a. m. to 12 m., 4 hours; 12.42 p. m. to 4.42 p. m., 4 hours—8 hours. Saturday, closed. Total for week, 40 hours.

Foundry department—7 a. m. to 12 m., 5 hours; 12.30 p. m. to 4.30 p. m., 4 hours—9 hours. Total for week, 54 hours. Most foundry labor works from 6.30 a. m. to 12 m. and from 12.30 p. m. to 5 p. m., making 60 hours per week. All day shifts.

Wages: Wages are calculated at rate per hour; paid weekly.

Comparison of present rates with past 10 years: Present rates will run approximately from 7 to 15 per cent higher than they were 10 years ago.

Average age: Average age of 173 shop employees is 34 years.

Sex: All male, excepting stenographers in office.

	Per cent.
Nationality:	
United States.....	51
Italian.....	18
German.....	5
Ireland.....	10
Russia and Poland.....	10
Scotland.....	1
Austria.....	1
French.....	1
Swiss.....	1
English.....	1
Dutch.....	1
Married or single:	
Married.....	70
Single.....	30
Citizenship:	
United States citizens.....	63
Not naturalized.....	37

¹ Statement supplied by Harrison Safety Boiler Co. in lieu of testimony of Mr. W. S. Hallowell, who was excused on condition of his furnishing this statement.—E. H. BUSICK.

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Forms of employment: Permanent.

How employed: By foreman.

Foreman's authority: He can discharge.

Employees' contact with actual management: Contact with foremen, superintendent, and members of the firm.

Social conditions: Believe them to be generally pleasant and good. Our works are located in a section having comfortable small houses, which our men generally occupy.

Education conditions: The facilities for education as afforded by public schools, manual-training schools, etc., in close proximity to our works or within easy access, are good. At present time we have no class work in our shops.

Contracts: Make none with workmen.

Premium system: Do not use; we pay a set hourly rate for most of our work, with piecework rates based on time.

Efficiency system: While we have never introduced any particular one of the so-called "efficiency systems," such as the well-known Taylor system, we do constantly endeavor to improve our manufacturing methods by the introduction of improved facilities and machinery, use of molding machines, jigs, and various appliances to facilitate the easy and rapid production, handling, and finishing of our product.

Number of discharges per year: We do not preserve records which would enable me to answer this for any long period.

Number of resignations per year: In the last 6 months 18 men were laid off owing to slackness of work; 17 men left of their own accord; 14 men were discharged.

Length of service:

Average length of service of machine-shop employees, 5 years 5 months.

Average length of service of foundry and pattern-shop employees, 4 years 3 months.

Normal force: About 225 men in the machine shop, foundry, and pattern shop.

Present force:

About 175 men in the machine shop, foundry, and pattern shop.

Now working 40 hours per week, instead of 55 hours, in the machine shop, and 56 hours instead of 60 in the foundry, showing an average reduction of about 22 per cent in both number of employees and hours of labor.

Condition of the labor market: Well supplied.

Does it need new immigration? Not at present.

American boy: Good opportunities for American boy to learn trades.

Have you had labor troubles?

Yes; in the fall of 1905, in October, I think it was.

For a number of years previous to this time the molders in our foundry were unionized. About this time the core makers were taken into the union, and a demand was made upon us, as it was upon other foundrymen in Philadelphia, that a minimum rate of, I believe, \$2.75 was to be paid all core makers. As we used a large number of very plain cores, for which it did not require the services of experienced journeyman core makers to turn out, we declined to comply with the request. In consequence the core makers in our employ went out on a strike. We immediately set about to have cores made by some of our other employees, such as foundry helpers, and to alter patterns so as to avoid the necessity of certain cores, but in a few days all the union molders declined to use the cores which were then made, and they went out on a strike. Our foundry plant was closed entirely for over a month, during which time we endeavored to have castings made at other foundries but found that our patterns were traced wherever they were sent, and strikes were called by the iron molders' union at, I believe, 12 or 14 other foundries because of their attempt to make castings from our patterns. We eventually succeeded in starting our plant with a few men and gradually trained a number of men who had been helpers in our shop before the strike to become molders, and normal conditions were then gradually resumed. For months our efforts in this direction were hampered by union pickets and workers, who occupied a portion of a house opposite our plant, where they could sit on the front porch and observe all men, teams, etc., going in and out of our plant. They had several men with bicycles ready to follow our teams wherever they went with boxes and crates which appeared to contain patterns, presumably for the purpose of ascertaining where we were trying to have castings made. Since that time we have

operated an open shop and have found that, while the wages of both molders and core makers averaged higher after the strike than before, the labor cost of our castings was lower because of the greater production per man.

Experience with trade and employment bureaus:

Members of National Founders' Association since 1900.

Members of National Metal Trades Association since 1905.

Members of Metal Manufacturers' Association of Philadelphia since its organization, November, 1903.

Social betterment and rest rooms.

Sanitary conditions.

Accident prevention: Many steps have been taken to lessen liability of accident to employees. Gears on machine tools have been guarded, as well as any dangerous open pulleys, belts, flywheels, etc. Danger signals are provided to point out danger due to temporary work. The capacity of all cranes is prominently marked thereon. Chain slings used for handling heavy materials are regularly inspected, annealed, and tested. In our foundry department, as well as machine shop, goggles are furnished free to all men when working on emery wheels, chipping, or doing any occupation which is particularly dangerous to the eyes. Asbestos aprons are provided for men tapping out from cupolas. A first-class quality molder's shoe, of the gaiter type, is purchased from the National Founders' Association and sold to molders at cost. Canvas leggings designed by the committee on safety and sanitation of the N. F. A. are provided free to men working in the foundry when handling molten metal. In the pattern shop tools are carefully guarded, the safety form of knives used on jointers, and rubber mats secured to the floor in front of woodworking tools.

INDUSTRIAL EDUCATION, APPRENTICE- SHIP, AND ADMINISTRATION OF CHILD LABOR LAWS

(For exhibits under this subject, see page 2982.)

COMMISSION ON INDUSTRIAL RELATIONS.

PHILADELPHIA, June 26, 1914—10 a. m.

Present: Commissioners Weinstock (acting chairman), Delano, O'Connell, and Lennon; also E. H. Busiek, special counsel.

Mr. BUSIEK. The commission will now take up the subject of vocational training.

The first witness will be Mr. Gideon.

TESTIMONY OF MR. HENRY J. GIDEON.

Mr. BUSIEK. For the purposes of the record, Mr. Gideon, please state your name in full.

Mr. GIDEON. Henry J. Gideon.

Mr. BUSIEK. And you are the director of the Bureau of Compulsory Education of Philadelphia?

Mr. GIDEON. Yes; chief of the bureau.

Mr. BUSIEK. Mr. Gideon, please tell this commission how this bureau came to be established, and how you gained the cooperation of the interested agencies in its establishment.

Mr. GIDEON. The bureau was established in 1897 for the purpose of taking the school census and enforcing the compulsory-attendance law which had been passed in 1897. The first compulsory law in Pennsylvania was passed in 1895, and for two years an attempt was made to enforce the law in Philadelphia under the direction of the assistant superintendent. It was found he could give only incidental attention to the work, and it was found necessary to create a separate department under the superintendent, to enforce the law.

The bureau was reorganized in 1911, and it was at that time that I was appointed chief of the bureau. I have been in charge, therefore, only now for three years.

Mr. BUSIEK. Up to what age is compulsory attendance required in the schools in Pennsylvania?

Mr. GIDEON. The law provides that children between the ages of 8 and 16 years must attend school, unless excused for satisfactory reasons, and children between 14 and 16 are excused from attendance on condition that they are able to read and write English intelligently, have an employment certificate issued according to law, and are regularly employed.

Mr. BUSIEK. And what?

Mr. GIDEON. And are regularly employed. In other words, children between the ages of 14 and 16 must go to school or go to work.

Mr. BUSIEK. What administrative machinery have you for the enforcement of this? Do you have a central office?

Mr. GIDEON. The bureau of compulsory education is organized as a department of the superintendency, directly under Dr. Brumbaugh. We have a central office under Dr. Brumbaugh, and 10 district attendance offices, and the 10 district attendance offices correspond with the 10 school districts. The two are correlated with each other. We have in each attendance district a district attendance office.

The district attendance office is in the same building, often in the same suite of offices, with the district superintendent, so that the district superintendent and the district attendance office work together. There is identified with each district attendance office from three to five attendance officers, varying according to the size and character of the school district, and in addition to that we have one special attendance officer in each district whose work is of a supervisory character. He is practically the attendance supervisor of that district. In addition to that, we have one clerk in the office whose business it is to look after the records.

Mr. BUSIEK. I see. Now, in the matter of employment certificates, you say an employment certificate can be issued to a child 14 years of age whose employment—who can read English; how or to what degree?

Mr. GIDEON. Well, we have two laws; we have the child-labor law, the law of 1909, and we have a school law of 1911. The school law of 1911 describes that the child must attend school, unless he is legally employed, and the child-labor law of 1909 defines the conditions under which he must be employed.

Mr. BUSIEK. What are the conditions? That is what I am trying to get at.

Mr. GIDEON. I regret to say that they are very vague in the law of 1909. A child is granted a certificate on condition that he is able to prove his age, first, and, secondly, is able to read and write English intelligently.

Mr. BUSIEK. Who determines whether he is able or not to read and write English?

Mr. GIDEON. The issuing officer.

Mr. BUSIEK. Who is the issuing officer? That is, not by name, but is he a member of—

Mr. GIDEON (interrupting). The issuing officer, that is vested in the county superintendent. The county superintendent of schools, or some one deputized by him. But the parochial and private schools also have a right of issuing certificates.

Mr. BUSIEK. Is there any physical examination required as to the child's fitness to enter industry?

Mr. GIDEON. No; the law provides that children over the age of 14 who are able to read and write English intelligently and are physically qualified may be employed at labor under certain conditions in certain conditions. But the certificate that is issued by the issuing officer makes no mention whatever of the physical qualifications. Now, under the law the department of labor and industry is required to enforce this law. So that the department of labor and industry, therefore, are required to see to it that the child is physically qualified before he enters the field of labor.

Now, the thing that we have done is this: The department of labor and industry is now cooperating with our bureau, and the children are being physically examined at the time that the certificate is applied for, and a child who is not physically qualified to work is not granted a certificate, because even though he were granted a certificate he could not enter any field of labor.

Mr. BUSIEK. Then I take it that the law is—

Mr. GIDEON (interrupting). Perhaps I ought to add that the matter is not left there. The child who is refused an employment certificate is taken care of, and an effort is made to build the child up so that he reaches a physical condition of such a high standard that he can pass a physical test.

Mr. BUSIEK. But who has the supervisory control over the child as to seeing after his physical condition, Mr. Gideon; who exercises that?

Mr. GIDEON. The representatives of the department of labor and industry refers the child to me, and I in turn refer it to some public or private agency to take the case up and see to it that the child gets the kind of treatment he needs.

Mr. BUSIEK. Is there any provision in the law which requires the child to have a promise of a job before a certificate is issued?

Mr. GIDEON. None at all.

Mr. BUSIEK. Would you consider that a defect in the present law?

Mr. GIDEON. Most decidedly.

Mr. BUSIEK. Do you think that the present law provides a proper educational standard definite enough?

Mr. GIDEON. No; I do not.

Mr. BUSIEK. The law is then open to improvement along those two lines?

Mr. GIDEON. It would seem to me—

Mr. BUSIEK (interrupting). What do you suggest as an improvement to the law?

Mr. GIDEON. It seems to me that it would be well for the issuing officer to be permitted under the law to satisfy himself that the child can read and write English intelligently. But the matter of the child's education, to my mind, ought to be passed on by the school authorities and not by the issuing officer. Every child who applies for a certificate, an employment certificate, should be required to come up to a certain educational test as defined by school grade before the certificate is granted.

I think that that grading should be either the fifth or the sixth, preferably the sixth, because that is the natural unit, that is the natural unit of elementary school education.

Mr. BUSIEK. Mr. Sprague informs me you have prepared a table of statistics on this subject, as to the advancement of the children who apply for position, or the attainments, rather?

Mr. GIDEON. The table that I had—

Mr. BUSIEK (interrupting). In the matter of statistics, Mr. Gideon, will you kindly hand those to the reporter?

Mr. GIDEON. Yes.

Mr. BUSIEK. And the commission will digest them.

(Received and marked "Exhibit No. 10, Witness Gideon, June 26, 1914.")

Commissioner LENNON. Well, he might give us some idea.

Mr. GIDEON. It will take just a minute. We issue, in round numbers, 17,000 certificates a year, and at any given time there are 24,000 certificates, approximately 24,000 certificates on file of children between the ages of 14 and 16 years, of course.

Commissioner O'CONNELL. That is for the entire State?

Mr. GIDEON. What is that?

Commissioner O'CONNELL. That is for the entire State?

Mr. GIDEON. For the city of Philadelphia alone. I am speaking for Philadelphia.

Now, of the 24,000 certificates that we have on file at the present time, we find that 5 of such children were in the first grade; 152 in the second grade; 1,091 in the third; 2,715 in the fourth; 4,871 in the fifth; about 6,000 in the sixth; about 5,000 in the seventh; and about 3,500 in the eighth; a little over 1,000 in the high school, and 93 in our special ungraded classes, and then another 1,000 coming from outside, where no grade was given.

Commissioner LENNON. Well, that is a majority under the fifth grade.

Mr. GIDEON. So that there are between 700 and 800 children granted certificates under the sixth grade, and about 4,000 in the fifth grade. The great bulk of children are in the fifth, sixth, and seventh grades.

Mr. BUSIEK. Has the examining officer ever explained how it was children in the first and second grades could read and write English satisfactorily?

Mr. GIDEON. No; they are probably foreign-born children who have been temporarily placed in the first grade, and in a year's time have learned to read and write English sufficiently well to get through, although I don't mean to say for a minute that foreign-born children ought to be put in the first grade. I think they ought to be graded according to their mental ability, and not according to their knowledge of English.

Mr. BUSIEK. When the child relinquishes his position are the certificates returned to your office?

Mr. GIDEON. They are not.

Mr. BUSIEK. You have no check system whatever under the law?

Mr. GIDEON. We have no check under the law, but we have devised a check under the school law.

Every child who receives an employment certificate is investigated by the attendance officer, and record is sent to the district officer. The attendance officer goes to the home and makes sure that the child is actually employed, and records that fact, and files it. Now, it is manifestly impossible for the small corps of attendance officers that we have at the present time to keep track of 24,000 children. That is manifestly impossible.

Mr. BUSIEK. And your remedy would be that the law requires that these certificates be returned to you?

Mr. GIDEON. That is the answer to it. The thing that we do now to attempt to correct this defect in the law is to divide these children into two groups—the group of children who would be likely to leave their jobs soon after getting them and the group of children who would not. The children who would not we investigate once and then drop them. The group of children who would be likely to leave their employment and live in idleness we make a special group of them and the attendance officer calls at their home at least once every two months to make sure that they are employed, and if they are not employed he puts them back into school.

Commissioner LENNON. Right on that point before we leave it.

We had testimony in New York that there were 43,000 permits that were out, and the officers admitted that they did not know whether any of these children were employed or were loafing about the streets. Now, is there any such proportion in comparison to the number of children permits are granted to in Philadelphia that are neither at work, nor do you know whether they are upon

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the streets? I have heard just what you just said. Does that leave any considerable proportion that you know nothing about?

Mr. GIDEON. The school census—I will answer that in this way: The school census of 1913 shows that there were nearly 22,000 children employed. Now, of course, in order to make assurance doubly sure, the census enumerator ought to go to every place of employment and see the child. That is manifestly impossible.

Commissioner LENNON. Yes.

Mr. GIDEON. We must take it for granted, if a parent says a child is working, that he is working.

Now, the parent is required not only to state that the child is working but what he is doing and where he is working and other detail information of that kind. So I think we may safely say that, according to the census of 1913, there were 22,000 children employed. In the previous census there were only 13,000 children employed. In other words, in the census of 1913 we gave about 9,000 more names than we did the preceding year. That was because the census enumerators took the employment records with them when they took the census and checked up as they went along, and in that way they got 9,000 more names. The records here show that at the present time there are 24,000 children holding employment certificates; that is this year; and our records of last year show that there are 22,000 children employed. That leaves only a discrepancy of about 2,000 children that have to be accounted for. These children that have not been accounted for are followed up in September. That is, the census enumerator goes back and the attendance officer who follows up those children who are not employed and sees to it that the children either go back to school or go to work.

Mr. BUSIEK. Then, I take it if the law were amended to compel the return of those certificates when a child relinquishes a position it would much simplify your work?

Mr. GIDEON. Very decidedly. I have no doubt that the child who is employed ought to be put on exactly the same basis as the child who is in school. There ought not to be truancy permitted from employment any more than there is truancy permitted from school.

Mr. BUSIEK. Mr. Gideon, how about the practicability of developing a State bureau of child relations to work in cooperation with you or along the lines that you are working on that would administer the compulsory-education laws, maintain the school census, and do work of vocational guidance, and this department have charge of the issuing of the work licenses and take care of the delinquents, deficient, and dependents?

Mr. GIDEON. That is a subject that is very much in the air at the present time. The bureau of compulsory education deals with the children between 8 and 16. The probation system deals with the same children who have gotten into the juvenile court. The various children's agencies deal with this group or that group in some specialized way.

Now, the schoolmen and social workers realize the need of bringing together all those various agencies that deal with a child under some centralized agency.

Only a short time ago a number of men who have to deal with the dependent child suggested that we have established in Harrisburg a commission known as the children's guardians. That is simply just another agency that deals with a child between 6 and 16. My suggestion would be that this whole matter of child relations should be taken over by the State board of education created under the school code. If the State board of education were not organized—were to organize within itself departments, I think that this work could be done effectively.

I might suggest, if I may, that under the State board there could be three departments created.

Mr. BUSIEK. Name them, please.

Mr. GIDEON. The department of instruction, the department of buildings and property, and a department known as child's relations.

Now, this department of child relations would be absolutely new—new, as it brings together many agencies that are now at work with the children.

The department of child relations should include, first, a bureau whose business it would be to see to it that the compulsory-attendance laws are adequately enforced. That would include the taking of the school census, the enforcement of the school-attendance law, and the enforcement of the law regarding employment. It might include also the question of the proper supervision of children under employment. The second division under this new

department might be entitled correction and protection. That would deal with the dependent, the defective, and the delinquent.

And the third subdivision would be child hygiene. And under that we would include medical inspection, the school-nurse service, and school clinics.

At the present time the State appropriation is based partly on the number of children between 6 and 16 years of age and partly on the number of teachers employed in the public schools. That State appropriation is made on condition that the compulsory-attendance law is satisfactorily enforced, enforced to the satisfaction of the State superintendent.

Now, it would seem to me that the law could be amended so that the State appropriation could be made on that basis, but that, in addition, that additional appropriation could be made, provided each county would provide for these new forms of child activity. In that way the State department would have a most powerful control over the county organizations in relation to their children.

Commissioner LENNON. Is there a national field for such a bureau? Have you given that any consideration?

Mr. GIDEON. I have not.

Commissioner LENNON. Never mind, then.

Mr. BUSIEK. That is all I have.

Acting Chairman WEINSTOCK. Have you any questions, Mr. Delano?

Commissioner DELANO. No; thank you.

Acting Chairman WEINSTOCK. Any questions, Mr. O'Connell?

Commissioner O'CONNELL. No; thank you.

Acting Chairman WEINSTOCK. Thank you very much.

Mr. GIDEON. Might I put one other thing on the record?

Acting Chairman WEINSTOCK. Yes; surely.

Mr. GIDEON. And that is in regard to the so-called feeble-minded. At the present time we are required under the law to continue the feeble-minded in school until they are 16. The proper treatment of the feeble-minded, of course, is custodial. They should be referred to an institution which would care for them; but in the absence of that it would seem to me that the child-labor law ought not be made to apply to them, and that when they reach the age of 14, and have given eight years of life to careful study and have accomplished nothing, it seems to me to be better that they should be out of school than in it.

Mr. BUSIEK. Mr. Gideon, will you please furnish the commission with such reports as your committee has made? If you have them in hand, will you send them to me?

Mr. GIDEON. I thought perhaps there might be some question as to the detail of the administration of your bureau.

Mr. BUSIEK. The detail the commission is not so much concerned with, because they want to leave their minds open as to the details.

Mr. GIDEON. Suppose I just turn these over to you, and you can look it over as you please.

Mr. BUSIEK. Thank you.

(The documents were marked "Gideon Exhibits Nos. 1 and 2," both inclusive, of June 26, 1914.)

Gideon Exhibits Nos. 1 and 2, duplicate copies entitled "A Description of the Bureau of Compulsory Education of the City of Philadelphia," etc., published by the Public Education Association of the City of New York February, 1913, were submitted in printed form.)

Acting Chairman WEINSTOCK. Call your next witness.

TESTIMONY OF MR. PAUL N. FURMAN.

Mr. BUSIEK. Just state your name, Mr. Furman.

Mr. FURMAN. Paul N. Furman.

Mr. BUSIEK. And what is your occupation?

Mr. FURMAN. Secretary of the Pennsylvania Child Labor Association.

Mr. BUSIEK. The commission wants to get from you a little information concerning the messenger and street trades matters coming under your observation.

Commissioner LENNON. Try to ascertain from the witness as to whether this is a legal body or a voluntary body.

Mr. FURMAN. Voluntary.

Commissioner LENNON. Voluntary organization?

Mr. FURMAN. By voluntary contributions.

Mr. BUSIEK. What is the situation in Pennsylvania as to the laws regulating the numbers of children employed in the street trades, the character of the occupations, and the moral hazards involved?

Mr. FURMAN. There is no law in this State at the present time governing the employment of children in street trades.

As to the numbers—I can give you some recent, accurate information. A census made by the Evening Bulletin in 1912 showed that there were at that time 3,632 boys selling bulletins. That is probably the total number of newsboys in Philadelphia.

Commissioner LENNON. Don't the other papers have any boys?

Mr. FURMAN. Well, they sell all the papers, but probably more boys sell Bulletins than any other one paper, however.

I have no information from the Postal Telegraph Co. as to the number of messengers they employ. The Western Union Co. employes about 208 boys; 150 of these are under 16, 65 per cent being between 14 and 15. No boys under 16, they claim, are employed after 9 o'clock at night, although there is nothing in the law prohibiting the employing of boys of 14 at any hour of the night that they choose to deliver messages.

Mr. BUSIEK. Are there any street trades that you have any data on?

Mr. FURMAN. No accurate information; no.

Mr. BUSIEK. Are there any children between the ages of 14 and 16 employed as bootblacks on the streets?

Mr. FURMAN. Practically none at the present time; there is very little of that now.

Mr. BUSIEK. What has your investigation led you to conclude as to the moral hazards involved in the street trades?

Mr. FURMAN. The moral hazard is best set forth in a report on juvenile delinquency, and its relation to employment, being part of the report on Condition of Women and Child Wage Earners in the United States, prepared under the direction of Dr. Neill. In a study made of the juvenile courts in Indianapolis, Baltimore, New York, Boston, Newark, Philadelphia, and Pittsburgh, showing cases of delinquency of children, 16 years of age and under, coming before these courts during the year 1907 and 1908. The total number of delinquents included in the study is 4,839, of which 2,767 had some time been employed, and 2,072 had never been employed.

The entire number of offenses recorded there to the delinquents was 8,797, the working children being responsible for 5,471 offenses, or 62.2 per cent, while the nonworking children were responsible for 37.8 per cent. If you want me to read a little more of this report, I can. It is all on the question of the moral hazard—

Mr. BUSIEK. If we have the book and the citations, that will answer our purpose.

Mr. FURMAN. Yes; it is available. There is also a pamphlet on newsboy life, prepared by the National Child Labor Committee, stating how county superintendents, reformatories, and others view the hazard.

(Pamphlet here produced by the witness was marked "Exhibit No. 1, Witness Furman, June 26, 1914.")

Furman Exhibit No. 1, Leaflet No. 32, entitled "Newsboy Life," published by the National Child Labor Committee, June, 1910, was submitted in printed form.)

Commissioner LENNON. Do you know whether boys selling papers and engaged in the street trades hold certificates in a large proportion of them, or are simply putting in their time past the school hours?

Mr. FURMAN. They do not; a majority of these boys are school boys working after school.

Commissioner LENNON. You don't know just what proportion?

Mr. FURMAN. Yes; I have the exact figures here, furnished by the Bulletin.

Of the 6,332, 2,151, in 1912, attended elementary schools; 929 in parish schools; 177 in high schools and business colleges, above school ages. In very few cases did the boys not attend school.

Mr. BUSIEK. What remedial legislation do you suggest?

Mr. FURMAN. We had before the legislature at the last session the Walnut bill, which contained a provision for the regulation of street trades. The provisions in that bill were that newspaper selling and all other street trades be forbidden to boys under 12 and to girls under 18; and that they be licensed and compelled to have a badge.

Mr. BUSIEK. What provision should be made for proper supervision?

Mr. FURMAN. The licensing and the badge would bring it under the probation officers and police officers.

Mr. BUSIEK. Did you intend to regulate the hours of labor of these children—

Mr. FURMAN (interrupting). Yes; the hours were also provided for.

Mr. BUSIEK. Will you tell us what these hours were?

Mr. FURMAN. That no children under age be permitted in any work after 6 o'clock at night or before 7 o'clock in the morning.

Mr. BUSIEK. We want to know, Mr. Furman, your views on the practicality of a State department of child relations, with duties to maintain a school census, and enforce and regulate attendance, to do placement work, placing children in industries, carry on vocational guidance, issue employment certificates to minors, licenses for street trades, and to supervise generally the licensing of minors?

Mr. FURMAN. I think it is one of the best plans for the solution of the whole question that has ever been proposed.

I think, also, that the commission should bear in mind the necessity for utilizing the public-school system in any recommendation it might make for the establishment of such a bureau. My thought would be that there should be such a bureau under the State department of public instruction, with a superintendent who should be coequal with the superintendent of public instruction, and the State to be divided into county districts, or in the case of cities, into smaller districts.

That this bureau should have full control of the child in all matters not simply matters of instruction; that, of course, they should enforce the school attendance and standardize compulsory education, which is something very badly needed in this State. While we have a compulsory-education law, there is no standard, and outside of Philadelphia the compulsory-education law is not very generally enforced, especially in the country districts. They should take the school census, also, and under such a bureau there should be established a bureau of vocational guidance and a placement or employment bureau, so that when a child leaves school and works for a short time, instead of that child being taken back to school and placed at a disadvantage in a class that he hates, this district bureau could be in touch with industrial districts throughout the country or district, as the case might be, and recommend places in which children could obtain employment.

Mr. BUSIEK. Have you ever studied the subject from the standard of a national act—to do nationally what you would like to have done in the State?

Mr. FURMAN. I have not thought of it from the national point of view, but simply thought of it as a standard for State legislation on this subject. That this bureau also should issue employment certificates, and find jobs for boys and girls, help and guide them and make the work of obtaining positions constructive rather than repressive. They should have charge of the children in the street trades or any other licensed occupations, and possibly inaugurate and plan scholarships for pupils whose parents are unable to keep them in school.

In fact, that they supplement the educational system in every way, and bridge the gap existing at the present time between the public-school system and industry. Ultimately they could take over the work of caring for defectives, delinquents and dependents, as suggested by Mr. Gideon, and build up an efficient organization of trained and competent workers who would deal with the children, and be actuated by a knowledge of children, and a knowledge of industrial conditions, and not by any sentiment in the matter; and so deal wisely and sympathetically with the children and see that they are placed properly. Of course, the medical inspection, nurses, and school clinics were also suggested by Mr. Gideon.

Mr. BUSIEK. That is all.

Commissioner LENNON. Was the bill introduced in the legislature regulating the hours for street trades strongly opposed as to the limitation of 6 p. m. in the evening—as to making that limitation?

Mr. FURMAN. Mr. Brinton could answer that question better than I could, Mr. Lennon.

I would like to give some facts as to the number of children employed in Pennsylvania as compared with some other States, if the commission would like to hear.

Commissioner LENNON. Well, go ahead.

Mr. FURMAN. According to the figures for 1913, there were 17,634 boys and 17,018 girls employed in Pennsylvania—that is, 34,652—and these figures repre-

sent only the factories and places inspected by the State Department of Factory Inspection. We have probably at least 50,000 children working in Pennsylvania between the ages of 14 and 16.

Commissioner O'CONNELL. Have you any idea as to the number of factories or proportion of factories to the total that were inspected?

Mr. FURMAN. I have those figures. I can give you the 1912 proportion—no; I find the pamphlet is not with me; I can not tell you the exact number employed in the factories.

Commissioner O'CONNELL. Have you, roughly, any idea as to the proportion?

Mr. FURMAN. I should say between twenty and twenty-five thousand; that is my recollection of the figures. In New York last year, according to the factory report, there was only 17,312 children; and in Ohio 5,420. Massachusetts has the next largest number of children to Pennsylvania. There were 24,150 employed there in 1912. That figure has increased. Last year there was 30,000 children employed in Massachusetts before the 8-hour law went into effect in September, I believe; and the returns made as of December 24, there were 28,000 of those children that were still working in the factories, showing that there had been 2,000 less as the result of the passage of the 8-hour law.

Commissioner O'CONNELL. What industry in Pennsylvania is the largest employer of children?

Mr. FURMAN. Textile industries.

Commissioner O'CONNELL. What next?

Mr. FURMAN. Mining, I should say.

Commissioner O'CONNELL. Mining?

Mr. FURMAN. Yes; not entering the mine, however, but they are the largest employers of children.

Commissioner O'CONNELL. That is, in the preparation of the coal?

Mr. FURMAN. Yes.

Commissioner O'CONNELL. Not in the mining?

Mr. FURMAN. Not in the mines.

Commissioner O'CONNELL. Do you include in that—you don't include in it commercial interests and department stores?

Mr. FURMAN. No; they are included in the 31,652, the stores and commercial establishments; they are included in this inspected or factory inspectors' reports.

Commissioner O'CONNELL. Well, the age there is figured how—what is that based upon?

Mr. FURMAN. Fourteen to sixteen.

Commissioner O'CONNELL. The total number between 14 and 16?

Mr. FURMAN. Employed in establishments inspected by the state department—the factory inspection—last year.

Commissioner O'CONNELL. Now, have you any idea as to the number of children employed in the State under 14?

Mr. FURMAN. It is illegal to employ any.

Commissioner O'CONNELL. Well, I take that for granted, but—

Mr. FURMAN. (Interrupting). The factory inspector's report, however, shows 700 and some odd children that he found at work last year under 14.

Commissioner O'CONNELL. Does that designate any particular industry that was interested in that employment?

Mr. FURMAN. No special offender; no.

Commissioner O'CONNELL. Have you got the youngest child's age that was employed?

Mr. FURMAN. No; I have not. The factory department did not make any detailed report as to that; simply as to the number that have been employed illegally and dismissed.

Commissioner O'CONNELL. Are there canning industries in the State of Pennsylvania?

Mr. FURMAN. The canning industry is one that is growing very rapidly in the State of Pennsylvania. There has been a large increase in the number of canneries in the last two years.

Commissioner O'CONNELL. Where are they largely located?

Mr. FURMAN. Along the southern belt of counties.

Commissioner O'CONNELL. Have those been investigated?

Mr. FURMAN. They are being investigated by the State Industrial Board.

Commissioner O'CONNELL. Are there any reports so far?

Mr. FURMAN. No reports have been made public. The investigator for the board told me confidentially that there were 19 canneries in York County, and that every one of them was bad; and I don't think—

Commissioner O'CONNELL (interrupting). What do you mean by "bad"; that they employ children?

Mr. FURMAN. They are employing children. Well, there is no—the canneries are exempt from the provisions of the women's bill in this State and in the child-labor law as passed by the Senate last year, but which did not become effective; they were exempted from the provisions of that. In nearly every State the canneries are making a very hard fight to be exempt from the provisions of all laws. They want to work women and children just as many hours as they can.

Commissioner O'CONNELL. Do you know anything of the sanitary conditions in the canneries of the State?

Mr. FURMAN. Not from personal investigation; but from hearsay they are almost unspeakable; that is, of the itinerant. The permanent canneries are in fairly good condition. They are not so bad as the others, which go from place to place; that squat upon the ground down in the field and do the canning and then go on, much the same as harvesting is done. There is some very splendid material in *Fatigue and Efficiency*, by Pauline Goldmark, as you undoubtedly know.

Commissioner O'CONNELL. Did you make any investigation as to the employment of boys and girls in the delivery service, or are there any regulations as to where they shall deliver, for instance, messages after hours at night?

Mr. FURMAN. There are no regulations here. I have a report which was made by a special investigator for the Pennsylvania Child Labor Committee in 1912, and it shows a most atrocious condition. It seems almost beyond the belief of a man who has never investigated.

Commissioner O'CONNELL. We must be getting down to hard conditions. You say one is deplorable and one is very bad and one is atrocious. Those must be pretty serious conditions.

Mr. FURMAN. That is the worst of the lot. If you know an adjective that is stronger, I wish you would apply it.

Commissioner O'CONNELL. I must—I might "cuss" a little. Go ahead.

Mr. FURMAN. The worst part of this report is that it shows—not in Philadelphia, but in Pittsburgh—school boys are employed as messengers after school hours, working from 3 and 4 o'clock in the afternoon until 10 and 11, sometimes 12 o'clock at night. They are sent indiscriminately to every sort of place, and they talk very glibly to the investigator of the sights that they see and of the knowledge of the underworld that they obtain. They take all these things back to the schools with them the following day, which is, I think, about as bad a condition as it is possible to picture.

Commissioner O'CONNELL. Well, in what is commonly known, for instance, as the red-light district?

Mr. FURMAN. Yes; the red-light district.

Commissioner O'CONNELL. Do they deliver messages?

Mr. FURMAN. They deliver messages. They describe the conditions in which they see women—boys of 14, 15, and 16 years; talk about the women in these districts in a manner which very few men of the world would talk about them, and have a familiarity with the habits of these women; have a speaking acquaintance with them on the street; and talk of the vice and disease and the crime with a fluency that is simply astounding.

Commissioner O'CONNELL. Well, there are no limits, no law that applies in that case or these cases at all?

Mr. FURMAN. No, sir. Any boy above 14 may be employed at any time, any hour, in the messenger service. The messenger service and the glass industry in this State are exempted from the night-work provision, because they are what is known as continuous industries.

Commissioner O'CONNELL. Has there been any attempt to legislate for the improvement of that condition?

Mr. FURMAN. There have been attempts. The last child-labor bill before the 1913 legislature contained very stringent provisions on this subject, and that was defeated.

Mr. BUSIEK. Is a copy of that report available for this commission?

Mr. FURMAN. Of this report?

Mr. BUSIEK. Yes.

Mr. FURMAN. This is the only copy I have, and it is quite lengthy.

Mr. BUSIEK. Whose report is that?

Mr. FURMAN. That is a report by Edward F. Brown of an investigation made for the National Child Labor Committee of the night messenger service in Philadelphia and Pittsburgh and is dated May, 1912.

Commissioner O'CONNELL. We can have it copied and return it to you.

Mr. FURMAN. I will leave it with you if you will do that.

Commissioner LENNON. I would like to ask just one question. Has there been any investigation made, or have you knowledge because of your intimacy with the subject, as to the part of the 34,000 children that are employed, between 14 and 16, who are learning some useful occupation, so that they would become efficient workers and first-class citizens?

Mr. FURMAN. There has not been any investigation made which covers it in the detail in which you ask the question, Mr. Lennon. We find among the boys who have been investigated, the boys or the girls, especially the boys, that they become shifters, going quickly, the boy of 14 and 15, from one occupation to another, and seldom getting into any job that leads anywhere. They are what we call in the dead-end jobs, and of the class which, as a class, are thrown on the scrap heap by the time they are 40; they are done up.

Commissioner LENNON. That seems to be generally true, does it?

Mr. FURMAN. That is a condition that prevails throughout the country, I believe. All investigations that have been made anywhere indicate that.

Commissioner LENNON. Well, what effect have you found among the girls employed?

Mr. FURMAN. I can't say as to the girls.

Acting Chairman WEINSTOCK. You were describing as you called them, the atrocious conditions among messenger boys.

Mr. FURMAN. Yes, sir.

Acting Chairman WEINSTOCK. What steps, if any, are being taken to remedy that condition through the medium of legislation?

Mr. FURMAN. The subject was covered in the bill which was introduced at the last session of the Pennsylvania Legislature, by limiting the hours of work at night—the age.

Acting Chairman WEINSTOCK. Did the measure carry?

Mr. FURMAN. It did not.

Acting Chairman WEINSTOCK. Why?

Mr. FURMAN. The measure was introduced in the house.

Acting Chairman WEINSTOCK. Who initiated it?

Mr. FURMAN. It was introduced at the request of the Pennsylvania Child Labor Association, by Mr. Walnut, representative from this city. It passed the house in very splendid shape, and it went into the senate, but came out amended in such shape as regards many of the features that it was not acceptable to the proponents of the bill.

Acting Chairman WEINSTOCK. Does the association intend to continue its efforts along those lines?

Mr. FURMAN. The association intends to continue its efforts along those lines until we obtain every point of legislation which we are asking, including the eight-hour day for children under 16, the abolition of night work, the regulation of street trades, and the proper employment certificate and every other point that we have in mind.

Acting Chairman WEINSTOCK. Well, from present indications, is the outlook for success in that direction promising or otherwise?

Mr. FURMAN. Promising, I should say, at the present time.

Acting Chairman WEINSTOCK. Well, do you anticipate any difficulty in arousing a sufficient public sentiment to compel the legislature to take action?

Mr. FURMAN. We have no difficulty in arousing the public sentiment; the difficulty is in arousing the sentiment of the State senate. That has been the stumblingblock.

Acting Chairman WEINSTOCK. Do you have the initiative in Pennsylvania?

Mr. FURMAN. We do not.

Acting Chairman WEINSTOCK. You do not?

Mr. FURMAN. No.

Acting Chairman WEINSTOCK. You better sit at the feet of California and profit by their progressive spirit.

Mr. FURMAN. I feel that we ought to.

Acting Chairman WEINSTOCK. Just one more question?

Mr. FURMAN. Yes, sir.

Acting Chairman WEINSTOCK. What are the moral conditions among the workers in the canneries so far as you know or have been able to ascertain?

Mr. FURMAN. From all I can ascertain the standard of living is very low.

Again I must speak of Miss Goldmark's book, because that is the authority on the subject, and there it is shown that the men, women, and children are herded indiscriminately almost in the temporary shacks, which are put up

for their accommodation, without any toilet facilities and with only meagre accommodations for the barest sort of an existence.

Acting Chairman WEINSTOCK. Well, do they have what are called summer camps for the workers? They are migratory, are they, the workers?

Mr. FURMAN. Some of the canneries are migratory.

Acting Chairman WEINSTOCK. And they have, I presume, camps to take care of them?

Mr. FURMAN. Yes, sir. There are a number of other canneries that are permanent in which they employ large numbers of women and children and work long hours.

Miss Goldmark cites instances where women work at a very high speed for as many as 66½ to 72 hours a week in the canneries, and they still desire to be exempt from all of the provisions of the law as regards limitation of hours.

Acting Chairman WEINSTOCK. Is Miss Goldmark's report a State report? Or were the investigations made by private initiative?

Mr. FURMAN. They were made by private initiative, I believe. It is a standard work, however.

Acting Chairman WEINSTOCK. I see. What steps are being taken to remedy those conditions in the canning industry?

Mr. FURMAN. The steps which we are taking to remedy the cannery conditions are to make the canneries subject to the provisions of the child-labor law and of the woman's bill.

Acting Chairman WEINSTOCK. Might not that fairly be regarded as perhaps unreasonable in that particular industry, because they are dealing with perishable products that must receive immediate attention? Would it not be wiser perhaps to direct remedial agencies along the lines of bettering conditions—bettering living conditions?

Mr. FURMAN. That is the argument of the canneries, that they are dealing with a perishable product. I should say if they would employ sufficient help they would not have to keep them at work the extraordinarily long hours.

Acting Chairman WEINSTOCK. Is help available when the harvest period comes along—when labor is in great demand?

Mr. FURMAN. Of course, that depends largely upon the State in which the cannery is located.

Acting Chairman WEINSTOCK. Yes.

Mr. FURMAN. In the majority of cases I should say that it is.

Acting Chairman WEINSTOCK. Commissioner Delano suggested the question as to whether you are familiar with the method that is pursued by the State of Wisconsin in dealing with this problem?

Mr. FURMAN. I am not. I would like to be enlightened, however, as to a great many things in Wisconsin.

Commissioner DELANO. They have an administrative committee which has authority within certain limits to give exemptions.

Commissioner LENNON. Standardize.

Mr. FURMAN. Yes, sir.

Commissioner DELANO. It recognizes the fact that it is hard to cover that by a law in every case?

Mr. FURMAN. Dr. Jackson, the commissioner of labor and industry, has brought that question up in this State, as to giving the State industrial board the power to make regulations or exceptions for certain industries under certain conditions?

Acting Chairman WEINSTOCK. At the risk of being branded a California booster—

Mr. FURMAN (interrupting). Which you are.

Acting Chairman WEINSTOCK (continuing). I want to again, for your information, explain that in California we have an immigration bureau—

Mr. FURMAN (interrupting). Yes, sir.

Acting Chairman WEINSTOCK (continuing). And the law empowers that bureau to go into the camps and establish conditions that must be carried out on the part of the owners and operators, and it has resulted in raising the standard of conditions very wonderfully; and that might be a suggestion worth considering on the part of the Legislature of the State of Pennsylvania.

Mr. FURMAN. It is a very good one, indeed.

Commissioner O'CONNELL. Tally one more for California.

Acting Chairman WEINSTOCK. That is all, Mr. Furman. Thank you very much. Call your next.

Mr. BUSIEK. I will call Mr. William C. Ash.

TESTIMONY OF MR. WILLIAM C. ASH.

Mr. BUSIEK. Will you please state your name in full.

Mr. ASH. William C. Ash.

Mr. BUSIEK. You are superintendent of the Philadelphia Trade School, I believe?

Mr. ASH. I rank as principal of that school.

Mr. BUSIEK. Principal of that school?

Mr. ASH. Yes, sir.

Mr. BUSIEK. This school has day and night courses, I understand?

Mr. ASH. Yes.

Mr. BUSIEK. What trades are taught at the day course, Mr. Ash?

Mr. ASH. Architectural drafting, mechanical drafting, carpentry, pattern making, construction, electrical construction.

Mr. BUSIEK. Printing?

Mr. ASH. Printing.

Mr. BUSIEK. What are the requirements for admission to that school?

Mr. ASH. Well, there are two general groups in the day school to the regular three-year course in the day department. We require completion of the eighth grade. With another group made up of boys who are 15 years of age or older, who come to us from grades below the eighth. To that group we give about the essentials of the eighth group. For preparation in the three-year course we try to bring them up in mathematics and English, so that they can successfully pursue the studies in the regular course.

Mr. BUSIEK. How many students have you?

Mr. ASH. We had about 350 in the term just closed in the day school.

Mr. BUSIEK. What division of time do you make between teaching the academic studies and the shop practice?

Mr. ASH. It approximates about half time.

Mr. BUSIEK. It approximates about half time?

Mr. ASH. Pyramiding from a minimum of shopwork at the beginning of the course to a maximum at the end of the course.

Mr. BUSIEK. What degree of proficiency do they attain in their various trades that they study there at the time of graduation?

Mr. ASH. In manual dexterity the best we can say is that they have got started in their trades. We do not make any claim nor effort to finish a boy's apprenticeship in our school. The point at which they start will vary with the trade. You can understand that a boy studying electrical construction, for instance, as we have the course developed in our school, could start higher in his trade than the boy studying architectural drafting, which is recognized as a profession. A course in architectural drafting, a boy would have to start at \$4 or \$5 or \$6 a week, whereas in electrical construction work he could get from \$9 to \$15 a week, depending on the size and general development of the boy.

Mr. BUSIEK. What trades are taught in your night courses?

Mr. ASH. In addition to the trades that I have mentioned we have house and sign painting, bricklaying, plumbing, sheet-metal work.

Mr. BUSIEK. How many hours per night do they study?

Mr. ASH. We have rather a complex organization in the evening school, due to the lack of physical facilities. We try and give the men three evenings of two hours per evening. Because of the number of men who want the instruction that we give in our school we are compelled to run five nights a week, so that in this trade work where there is the largest demand we operate the classes to alternate evenings, averaging two and a half evenings per week. Where there is a minimum demand we can give the men three nights a week of two hours a night.

Mr. BUSIEK. You are speaking now of the men who form the student body at the night school?

Mr. ASH. Yes, sir. The average for three schools is 21 years of age and 5 months.

Mr. BUSIEK. The boys under 16, are they admitted to night school?

Mr. ASH. Sixteen is the minimum age for night school.

Mr. BUSIEK. Then your school does not provide in any measure at all for those children between 14 and 16 years of age who are in industry during the day?

Mr. ASH. Yes, sir; we have in addition to our regular day courses a continuation class—printers, and I was going to say electricians, but as it happens the

continuation class for electricians does not include anybody below 21, in fact. We have a day class for electricians made up of men in the industry.

I should say no to your question.

Mr. BUSIEK. Have you any part-time courses, as they are known; that is, where children at work can spend part of the time in school during the day, part of each day?

Mr. ASH. Well, when you say children, I take it you mean juveniles between 14 and 16?

Mr. BUSIEK. Juveniles between 14 and 16.

Mr. ASH. We have no classes for children, but we have part-time work for apprentices in printing. We have graduated about 50 in this group this term.

Mr. BUSIEK. There is in effect in the State of Michigan a compulsory-education law which requires that all children between the ages of 14 and 16 years of age in industry must devote part of their time each day or each week to continuation schools. Those are schools which teach trades much as your trade schools teach them, and attendance is compulsory upon every child in industry. Do you think that the work that your school is doing could be extended should the law be amended so as to permit it to take in that class of children? Do you think it would be desirable?

Mr. ASH. In order for me to have an intelligent basis for my answer—do you mean Wisconsin? You said Michigan.

Mr. BUSIEK. Wisconsin is what I meant.

Mr. ASH. I should say that the work as it is done in Wisconsin could better serve the purpose of the juvenile group if it presented to them more of an element of general education than of trade. I think that very little can be done with trade training with a child in school five hours a week between the ages of 14 and 16. The demand for trade schools is caused by the lack of facilities for learning trade out in the industry, and if it is impossible for a growing child to learn a trade out in the industry in four and five years, it certainly, in my judgment, will be impossible for them to have trade training in five hours a week in school. The failure of the school having already been demonstrated with that particular group of children. I hope I make myself understood.

Mr. BUSIEK. You believe it is a step in the right direction, but they do not give enough time to it?

Mr. ASH. I should not care to go on record as saying that. I believe thoroughly in part-time schools, but I believe the work in those part-time schools should have as its aim more the development of the general intelligence of the juvenile than the development of the machine dexterity. I think the rise of a child from its lowly condition in industry will be determined more by the mind development than by hand development. I think we have been paying altogether too much attention to the externals. As I should say, as a result of my experience in civil-service examinations, that if we develop the mind we will develop the hand as a result.

Mr. BUSIEK. You think, then, that Wisconsin would do better to compel the children to attend the school, as they are doing now, until they are 16 years of age rather than let them out in industry at 14 and give them five hours a week?

Mr. ASH. No, sir. I believe Wisconsin is doing a mighty good work as the work is being done in Milwaukee. I am familiar with the work, and know Mr. Cooley and his efforts, and I know it is not Mr. Cooley's aim at the present time to give strictly trade training in his part-time classes. Pardon my cross of swords with you.

Mr. BUSIEK. They do teach hygiene and civics and mathematics, I believe, in those classes?

Mr. ASH. That is what I mean by general development rather than teaching actual bricklaying, for instance, as an example. I take that as the extreme, because in order to make a bricklayer you must actually put the trowel and the bricks in the hands of the pupil.

Commissioner O'CONNELL. You would have a bricklayer teach him how to do that?

Mr. ASH. Assuredly.

Commissioner O'CONNELL. Not a professor?

Mr. ASH. Not as I saw in one of the large middle western cities last summer, where they had a group of plumbers leaving the job where they might be learning something in going to a high school studying mathematics under a woman teacher. While I was in the room those boys were having just exactly the same thing they had been doing before they left off, playing horse with the teacher.

Commissioner O'CONNELL. Of course that is a situation where a woman would not do very much in a plumbing shop—teaching them how to plumb.

Mr. ASH. Unless she were a plumber. We have in our Philadelphia schools a woman teaching elementary training. I don't think because she is a woman that she is per se not a good teacher.

Mr. BUSIEK. Where should teachers be obtained and with what experience?

Mr. ASH. As a result of my experience, I should say that the trade teacher should without question come from the trade. If we could find a sufficient number of teachers to supply the large demand which would result from proper legislation, I should say that every trade teacher should have served not only his apprenticeship but should have served sufficient time at the practice of his trade to understand all the difficulties that are presented at his trade. Without that no teacher can have a sympathetic attitude toward a learner.

Mr. BUSIEK. You said if the law were as it should be. Are you in favor of compulsory vocational training?

Mr. ASH. If I said that, I don't want you to take that interpretation of it. I am not in favor of compulsory continuation schools. I should like to qualify that expression of opinion by saying I think the time is not yet ripe for compulsory continuation schools.

Mr. BUSIEK. Why?

Mr. ASH. Some people would believe, as you suggested, that in continuation schools the child should have presented to it an opportunity to practice a definite trade. Other people, as I have signified, in my own personal view of the matter, would believe in quite the opposite. That their time should be spent in presenting matters of general development; and because I have as much right to my opinion as you have to your opinion, one of us is bound to be right, and I would not want to say you were wrong and I was right.

Mr. BUSIEK. What is your idea about the child of 14 years that leaves school to go into industry?

Mr. ASH. Very often I think industry is the best place for him. If a child has reached the age of 14 and has not by that time passed the fourth grade, there is something the matter either with the child or with the school; and, in either case, under existing conditions, the child ought to be taken out of the one and put into something else. I think it ought to be directed in industry, as has been suggested by a previous witness.

Mr. BUSIEK. What plan would you have for that, for the direction of the child in industry?

Mr. ASH. I was very much pleased to hear what Mr. Gideon had to say as to a plan for this direction.

Mr. BUSIEK. You believe, then, if a child has not passed, say, the third or fourth grade by the time he is 14 years old, that that child is hopeless as a subject of schooling?

Mr. ASH. Yes, sir; but not, certainly not, hopeless. He might be the best child in the school. The school might be run for that particular child; whereas, if he were put in the right place in industry he would be a leader. The thing that puts a child out of condition with a school very often is the very thing that is necessary to make the child a leader after he grows up. I may be making some statements that are at variance with pedagogical notions. I had no experience with pedagogy until I went into the trade school; but that is my conviction, that the child is better out of school than in it.

Mr. BUSIEK. That is all I have, Mr. Chairman.

Acting Chairman WEINSTOCK. Are there any questions, Mr. Delano?

Commissioner DELANO. Did I understand that this school is part of the public-school system of Philadelphia?

Mr. ASH. Yes, sir.

Commissioner DELANO. How long is the course?

Mr. ASH. Three years in the day school after the pupil has entered the regular course. As you remember, I spoke of a preparatory course for boys who enter under the eighth grade.

Commissioner DELANO. Under the eighth grade?

Mr. ASH. Yes, sir.

Commissioner DELANO. It takes the place of the literary high school?

Mr. ASH. Not at all. We make no effort to train our boys for college entrance.

Commissioner DELANO. It takes the place of that. A boy, when he gets to the eighth grade, decides whether he will go into the high school or trade school?.

Mr. ASH. Yes, sir.

Commissioner DELANO. Is your school a technical high school?

Mr. ASH. No, sir.

Commissioner DELANO. A trade school?

Mr. ASH. It is not a trade school in the modern interpretation of that term, because we do not turn our boys out as tradesmen. It is more nearly what would be called a secondary vocational school. We are having a great deal of trouble or contest because of the misunderstandings of the pedagogical terms.

Commissioner DELANO. How does it compare with the technical schools in many of the high schools?

Mr. ASH. There is less academic work.

Commissioner DELANO. Less academic work?

Mr. ASH. Yes, sir. My interpretation of technical high school is one that would prepare a boy to enter an engineering college. We make no such aim as that. Our aim is to give a boy as good a start as we can in some one of the trades that we teach.

Commissioner O'CONNELL. A certificate issued by your school would not entitle the student to entrance in a college for the finishing of his engineering course?

Mr. ASH. No, sir.

Commissioner O'CONNELL. Our technical school in the District of Columbia, in Washington, a certificate from that school entitles you to enter Georgetown and—

Mr. ASH. That is the difference between our school and the high school. Some of our boys have gone from our school to college, but they have had to do extra work in order to prepare for college entrance.

Commissioner O'CONNELL. What does your certificate certify the boy in?

Mr. ASH. That he has successfully completed the course. It means nothing to anyone who does not understand the work we are doing in the school.

Commissioner O'CONNELL. If he went, for instance, to the Cramp shipyard—I mention the Cramp because it is a large concern—or the Balwin Locomotive Works, would it mean to him the saving of a couple of years in his apprenticeship time? Would that give him an advance of a couple of years' start, or something of that kind?

Mr. ASH. No, sir. There is no definite value to a diploma from a trade school of that sort. Our boys go into industry in competition with the graduates of high school or with boys who have not finished their high school.

Commissioner O'CONNELL. For instance, if the boy who leaves your school with such knowledge as he may gain in the plumbing trade—I understand you teach plumbing?

Mr. ASH. Yes, sir; that is an evening school; that is a different problem.

Commissioner O'CONNELL. Even in that, and he goes out with a certificate that he has passed through the plumbing department of this school?

Mr. ASH. Yes, sir.

Commissioner O'CONNELL. He goes into industry, would he attempt to go out and secure a position as a journeyman, if he was big enough, or at least looked big enough, to perform a man's work?

Mr. ASH. In the State of Pennsylvania the trade of plumbing is controlled by State law. No one can practice plumbing in the State of Pennsylvania unless they pass an examination.

Commissioner O'CONNELL. For instance, with a pattern maker—there is no State law requiring a pattern maker to have a certificate?

Mr. ASH. No, sir.

Commissioner O'CONNELL. In that trade?

Mr. ASH. He would not be sufficiently equipped to do it. He couldn't do it.

Commissioner O'CONNELL. Do you suppose the employer would take an advantage of the knowledge that he thinks the boy has in having passed through that school and employ him at a less salary and take the chances of him as an improver, as it were, put him in employment at \$1 a day less than the regular journeyman, in the hope that in a short time he would become valuable to him?

Mr. ASH. No, sir.

Commissioner O'CONNELL. As an advance apprentice boy, for instance?

Mr. ASH. I can only use our own experience and the few boys we have had. We are very poorly equipped in pattern making. Our boys have gone into pattern-making shops and have begun an apprenticeship.

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Commissioner O'CONNELL. Have you any statistics as to what becomes of the boys who leave your school?

Mr. ASH. Yes, sir; we have the record of every boy.

Commissioner O'CONNELL. Have you that in some form in print?

Mr. ASH. No, sir.

Commissioner O'CONNELL. Could that be furnished to the commission in some way? Or would you send it to us? Where can we get it? Or could you have it copied so that we may have the result? I think that would be very interesting.

Mr. ASH. I could have that prepared for you; yes, sir.

Commissioner O'CONNELL. How long has the school been running as you now have it?

Mr. ASH. It was opened in 1906.

Commissioner O'CONNELL. 1906?

Mr. ASH. Yes, sir.

Commissioner O'CONNELL. Then, you have had some graduations in that time?

Mr. ASH. Yes, sir.

Commissioner O'CONNELL. How many do you say have been graduated?

Mr. ASH. About 200. That includes day and night.

Commissioner O'CONNELL. Now, are there any other schools in the public-school system of Philadelphia that teach trades or vocational questions?

Mr. ASH. Yes, sir. Unfortunately, all of the questions that have been asked up to this time have dealt with the day school, and that is the least of our work.

Commissioner O'CONNELL. I would like to get something of the general plan of the system in Philadelphia.

Mr. ASH. Our largest work is done in the evening school. We had 1,700 men in attendance in the term just closed, and about 80 per cent of the total were regularly employed at their trades during the day. We are having active cooperation between the school and the master associations in two of the trades, and a passive cooperation in three others, three additional trades.

Of course, you understand as a result of your investigation that the maximum success can only be attained through cooperation. A public school can not hope to do very much in this work unless there is cooperation, desirably between the three sides of the problem, the employer, the employee, and the public schools. In plumbing, our largest trade in the evening school, take the first class that graduated in 1909—keep in mind that all of the young men who graduated were regularly employed during that time at the school at the trade during the day. Just as soon as they became of age and passed the State examination they were admitted as journeymen. Fifteen of those boys are now master plumbers; that is, they passed the State examination.

We have in our public-school system a scheme of manual training from the early grades up through the high school. We are just beginning an effort to give that a vocational bent.

Commissioner O'CONNELL. That applies to all children?

Mr. ASH. Yes, sir.

Commissioner O'CONNELL. Male and female?

Mr. ASH. Yes, sir.

Commissioner O'CONNELL. Teaching the girls to sew?

Mr. ASH. Yes, sir.

Commissioner O'CONNELL. And cook?

Mr. ASH. Yes, sir.

Commissioner O'CONNELL. And all that sort of thing?

Mr. ASH. Yes, sir.

Commissioner O'CONNELL. Hygiene?

Mr. ASH. Yes, sir.

Commissioner LENNON. You just mentioned the fact that the employers' associations cooperate with you. How about unions?

Mr. ASH. As I say, we have never been able to have any formal cooperation. It has been my privilege to talk to one of the unions, and at a recent convention of the National Association for the Promotion of Industrial Education we had delegates from two of the unions appointed to attend the meetings of the convention. I should welcome cooperation from that source, in that I think it is necessary to the maximum success in our work.

Commissioner LENNON. What do you teach in the way of the industry of carpentry in your day schools and in your night schools? What are the pupils taught to do?

Mr. ASH. Well, we have a series of jobs designed to take a boy from a condition of absolute ignorance of tools and material and through the problems in house construction.

Commissioner LENNON. You go a little beyond the best of the manual training schools?

Mr. ASH. Considerably beyond. We abandoned the old notion of machine training where they gave them formal exercise.

Commissioner LENNON. Do these boys not have any advantage when they enter industry, as to time they have to serve?

Mr. ASH. There is no formal relation between the school and industry.

Commissioner LENNON. Would you favor making some such arrangement?

Mr. ASH. Yes, indeed. But I don't think that such arrangements could be made until we had this three-sided cooperation.

Commissioner LENNON. Yes. I think that is all.

Acting Chairman WEINSTOCK. Does your school, Mr. Ash, supply the demand in the community?

Mr. ASH. Not at all.

Acting Chairman WEINSTOCK. Is yours the only school in the community?

Mr. ASH. We have two annexes, old buildings that have been torn out and arranged for our purposes.

Acting Chairman WEINSTOCK. Connected with your school?

Mr. ASH. Yes, sir.

Acting Chairman WEINSTOCK. On the same ground?

Mr. ASH. No, sir. Widely separated.

Acting Chairman WEINSTOCK. How many schools, in your judgment, could a city like Philadelphia support? Or how many should they have to cover the requirements?

Mr. ASH. For the immediate demands in evening school work I should say that we ought to have accommodations for 15,000.

Acting Chairman WEINSTOCK. Fifteen thousand?

Mr. ASH. Yes, sir.

Acting Chairman WEINSTOCK. And you have accommodations for how many?

Mr. ASH. One thousand seven hundred.

Acting Chairman WEINSTOCK. That is a little over 10 per cent of the real requirement?

Mr. ASH. Yes.

Acting Chairman WEINSTOCK. Is it your opinion that if the city of Philadelphia had accommodations for 15,000 that you would get 15,000 responses?

Mr. ASH. Yes.

Acting Chairman WEINSTOCK. Then the city is simply doing a small fraction of the possible work?

Mr. ASH. I think so.

Acting Chairman WEINSTOCK. Has there been any movement along the lines of State aid to trade schools throughout the State?

Mr. ASH. We had a law in 1913 providing State aid for vocational education.

Acting Chairman WEINSTOCK. The law was passed?

Mr. ASH. Yes.

Acting Chairman WEINSTOCK. And is in operation now?

Mr. ASH. Yes.

Acting Chairman WEINSTOCK. Will you briefly outline that law?

Mr. ASH. I am embarrassed at that question. It is a most inefficient law. It does not provide State financial aid; it provides it to the extent of \$5,000 to a city doing a work of a certain type.

Acting Chairman WEINSTOCK. Is that subsidy sufficiently large to encourage communities to avail themselves of it?

Mr. ASH. Not at all.

Acting Chairman WEINSTOCK. Not at all?

Mr. ASH. No, sir.

Acting Chairman WEINSTOCK. So that it is ineffective?

Mr. ASH. I think so.

Acting Chairman WEINSTOCK. Are there any efforts on foot to broaden the State aid?

Mr. ASH. No formal effort, to my knowledge.

Acting Chairman WEINSTOCK. No organized effort?

Mr. ASH. No, sir.

Acting Chairman WEINSTOCK. Is there any body of social workers who are particularly interested in the matter of vocational training?

Mr. ASH. There is a national society for the promotion of industrial education, and we had until a year ago an active State branch in the State of Pennsylvania with the center of interest in Philadelphia—the interest in that group has lagged until it is practically inoperative. Recently in Philadelphia we had, as the result of action in the board of education—you understand we have a unit control here. The board of education is in charge of all of the educational activities; they provide for a department of vocational education and guidance. The newly appointed head of that department is on your list of witnesses.

Acting Chairman WEINSTOCK. Do you have a normal school for the training of your trade teachers?

Mr. ASH. No, sir.

Acting Chairman WEINSTOCK. You do not?

Mr. ASH. No, sir.

Acting Chairman WEINSTOCK. How do you recruit your ranks of trade teachers?

Mr. ASH. Purely through personal effort. I go over the field of industry and select a man and then train him as a teacher afterwards.

Acting Chairman WEINSTOCK. That is, you go through the industries and pick out one that is fit?

Mr. ASH. Yes, sir.

Acting Chairman WEINSTOCK. Those men may be very excellent mechanics, however, but may not have had any experience in teaching, and you doubtless know or have discovered that any one man may be a good mechanic and not be able to impart that knowledge.

Mr. ASH. I have only in one instance found a man who was a good mechanic and at the same time a teacher. That man had had experience in another trade school. He was our carpenter; in every other instance the man has had to learn the teaching afterwards.

Acting Chairman WEINSTOCK. That is, you have to teach the teacher how to teach?

Mr. ASH. Yes, sir.

Commissioner LENNON. Haven't you found some people with good academic training who could not teach the same thing to anybody else?

Mr. ASH. Oh, yes. I have never found an academic teacher, nor do I expect to, who could teach a trade.

Commissioner LENNON. I know; but to teach anything.

Mr. ASH. Yes.

Acting Chairman WEINSTOCK. Is there any likelihood or any movement on foot along the lines of establishing a normal school for the training of trade teachers?

Mr. ASH. We hope in Philadelphia next winter to make a definite effort along that line.

Acting Chairman WEINSTOCK. You regard it as an essential?

Mr. ASH. It is. It is fundamental. If that is not done it simply means the same thing that happens with a young husband who marries a wife who does not know how to keep house. The children will have to pay for it.

Acting Chairman WEINSTOCK. And the husband is likely to have his corns injured by the dropping of some—

Mr. ASH. (interrupting). Of his wife's biscuits.

Acting Chairman WEINSTOCK. (continuing). Of his wife's baking on them?

Mr. ASH. Yes.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Ash.

(Witness excused.)

TESTIMONY OF MR. JOHN P. WOOD.

Mr. BUSIEK. Please state your name, Mr. Wood.

Mr. WOOD. John P. Wood.

Mr. BUSIEK. You are the vice president of the Manufacturers' Association of Philadelphia?

Mr. WOOD. Pennsylvania.

Mr. BUSIEK. Of Pennsylvania?

Mr. WOOD. Yes, sir.

Mr. BUSIEK. Also a member of the firm of William Wood & Co.?

Mr. WOOD. No, sir.

Mr. BUSIEK. You are not?

Mr. WOOD. No, sir.

Mr. BUSIEK. Are you connected with that firm?

Mr. WOOD. Not otherwise than as an advisory counsel.

Mr. BUSIEK. Mr. Wood, your familiarity with the textile trade as advisory counsel to William Wood & Co. gives or makes you particularly fitted to give views to this commission from a business man's standpoint as to what standards should be required—educational standards should be required of children before being admitted into industry?

Mr. WOOD. I received with the subpoena to appear here a statement of the subjects which the commission desired an expression of opinion upon, and I think perhaps it would save the time of the commission if I made a brief statement upon those points, setting up, as it were, a kind of target at which you can then fire.

Mr. BUSIEK. All right.

Mr. WOOD. There were some half dozen different points referred to in your circular letter. I think I will touch briefly upon each and try to amplify any points that are not made sufficiently clear. I want in the first place to make it quite clear however that this is an expression of individual opinion and not in any sense an expression of official opinion, because there can be no official opinion taken in a large concern of that kind.

Neither women nor minors should be employed at kinds of work nor under conditions for which they are not physically qualified.

In respect to work for which they are physically qualified, no restrictions should be imposed that would tend to discriminate against their employment. Such restrictions would inevitably narrow their opportunities for choice of employment; and through greater competition for work in the fewer unrestricted vocations open to them, would lessen their field of employment, and tend to keep down wages in the fewer vocations to which they would be eligible.

The gradual reduction of the hours of labor for all employees of the textile industries will inevitably continue irrespective of legislation, but with due regard for the fact that such reductions can not be made more frequently nor in greater degree than the economic conditions of the industry will permit. Disregard of this fundamental condition can not but work hardship upon those whom it is intended to benefit, either through making it impossible to profitably continue the business in the locality affected, or by making necessary such reduction in wages as will offset the competitive advantage of other places which are not similarly handicapped.

Much more important than the age limit for working minors are the state of health and the physical condition of such applicants for work, the kind of work, and the conditions under which the work is to be performed.

Among the excellent provisions contained in the bill which was defeated in the last session of the Pennsylvania Legislature was one which required that all minors between 14 and 16 years of age applying for working certificates must be examined by a physician appointed by the school board, and that no certificates shall be issued unless the examining physician is satisfied that the applicant is physically qualified for the work for which the certificate is desired. That provision would have given to the school authorities and the physicians appointed by them complete control over this subject. Even though the applicant was in perfect health, if the school physician was of the opinion that because either of the kind of work, or the hours, a normal boy or girl was not physically qualified for that employment, the certificate would be refused, and the applicant would either have to seek some other kind of work at shorter hours or remain in school.

In the discussion of this subject there is great need for reliable information uncolored by prejudice or personal interest either upon one side or the other, and I would respectfully suggest that this commission use a part of its liberal appropriation to have a thorough and impartial examination made as to the physical, moral, and intellectual development of at least 2,000 16-year-old children, chosen without selection, who have been continuously employed at factory work for the two years preceding; and a like number of 16-year-old children also chosen without selection who have attended school throughout the school term of the two previous years. Such arguments as have heretofore been made upon this subject have been for the most part merely assertive. Little evidence of value has been offered. Manufac-

turers would willingly have helped to ascertain the facts, but have realized that any such investigation made by them or with their assistance would not command confidence because of a presumption of self-interest.

The minimum age and the limiting hours between which work can be done should apply to boys engaged in the street trades as to those engaged in industrial establishments. The minimum age for girls engaged in street trades should be higher, certainly not less than 18 years; and the proposal to prohibit all minor girls from employment in the vocations of the streets will doubtless meet with general approval.

Regulation of minimum wage by Government authority is an economic fallacy. If the minimum is fixed too high, the less competent have their opportunities for employment proportionally decreased and must find less favorable, and often less moral, means of subsistence.

If the rate is made too low, no practical good results, and unprincipled employers would doubtless sometimes justify rates of wages lower than could be paid by the legal sanction of the low minimum.

There can not be too much consideration given in the improvement of standards of safety, sanitation, and hygiene in industrial plants. But all efforts in that direction must be made with intelligence, and must be based upon practical experience. In all such matters the counsel of those engaged in the industry—employers, managers, and employees—should be sought by those in authority, and their advice should have great weight in the final determinations.

Welfare work should not be carried on under the guise of philanthropy. Whatever it is practicable to do for the safety, health, comfort, and vocational instruction of employees should be done as a matter of right and justice, and, it might be added, of good business policy. Beyond that it is better that the cost of entertainment, recreation, etc., be applied directly to the wage fund.

Vocational and continuation schools for voluntary pupils have long been in existence in Philadelphia and have been of great value to those who have taken advantage of the facilities they afford. The Franklin, Spring Garden, and Drexel Institutes are notable examples of the opportunities open to ambitious and earnest pupils who wish to obtain vocational instruction after going to work.

No one familiar with the good accomplished by these and many other local institutions engaged in similar work can have any doubt of the wisdom of including provisions for such instruction in the public-school system.

In a community as large as Philadelphia all three of the types mentioned in the commission's circular should be maintained, viz, all day, evening, part time.

While it is desirable that younger children should have the opportunity for part-times chooling without loss of earnings, any legal regulation for that purpose will have to be framed with great care and judgment, lest a discrimination be created against the employment of such as would be subject to such a requirement.

Vocational schools as part of the public-school system are as yet so new and in so experimental a stage, that it would be unwise in the beginning to attempt compulsory features. The important thing is to establish the schools; that is, provide opportunity for such instruction to all. It will be time enough to consider the compulsory features when the courses offered have been successfully established and have won the confidence of the people for their practical and useful character. Although I have given considerable study to the subject of vocational and continuation schools, I do not feel sufficiently qualified to express an opinion of any value upon the method of control or management of such schools.

Obviously the instruction should be of a thoroughly practical sort, and should afford the pupil the largest useful return for the time given. That plan of control which would supplement the pedagogic knowledge of the trained teacher, with the practical experience of men and women engaged in the active work of the world would seem to promise the best results.

Labor unions are inherently neither better nor worse than combinations of business or employers' associations. Like the latter, they are to be judged by their policies and methods. Restraint of trade, monopoly, injustice to those who are not affiliated, disregard for the just rights of others, disrespect for the law are equally reprehensible upon the part of all organizations, whatever the composition of their membership, whether of employers or employed; of farmers or consumers; of railroad managers or shippers of freight.

I might say further, since listening to the testimony of Mr. Furman, with reference to one of the features of which he made mention, the one of physical examination: The bill that was before the legislature, introduced, as he mentioned, by Mr. Walnut, and passed by the house of representatives, was amended in the senate as passed. The senate provided for the physical examination by the physician appointed by the school board; provided an educational test in specific terms of school grades; provided for the return of all certificates by the employer direct to the issuing authority, the school, upon the cessation of employment; provided for the regulation of street trades, and at a higher age and for less hours than in the original Walnut bill; provided for a regulation of the messenger service.

Those five excellent features, all of them, at least as much as was asked in the original Walnut bill, and in several respects more advanced, were in the bill as it passed the senate, and was returned to the house of representatives. Every one of those features was urged, and ardently and earnestly worked for by the Pennsylvania Manufacturers' Association.

There were features in the bill about which a difference of opinion existed, existed between the proponents of the original Walnut measure and the advocates of the bill as passed by the senate. The chief change was, and almost the only essential point of difference, that of hours. The Pennsylvania Manufacturers' Association advocated the reduction from 58, the present legal number of hours, to 54. The child-labor association and some affiliated bodies, advocated a reduction at one step from the present 58 hours to 48 hours. The bill was defeated in conference because the proponents of the bill were unwilling to take these five very excellent features for the period during this intervening two years until the next session of the legislature. They preferred to allow everything to remain exactly as it now stands rather than obtain some of the things about which you have asked, and to which there was no reasonable opposition, rather than there should be a concurrence upon these points and a clearing of the decks for whatever further propaganda they chose.

In the interest of fairness toward the Pennsylvania Manufacturers' Association, which has been criticized in this connection as to its position on this matter, I desire to have this go on record and be taken down here. And we would welcome the examination of any other witnesses you may desire to call, officials of the legislature, or any others, to verify or to contradict the statement which I have just made.

The bill as it passed the senate could have passed the house of representatives and would have been signed by the governor, and we should have had on the statute books of Pennsylvania every one of the five provisions that I have referred to, each of them at least as advanced as asked for by the child-labor association, and in respect to the street trades more advanced, because the age limit was made two years higher and the beginning hour in the morning and the hour of cessation of such work in the evening was narrowed as compared with their original bill.

And before passing from this I might say, because we get our points of view and insist on these various things—a good deal has been said about sanitation and one thing and another.

As an official of the State of Pennsylvania, I would like to call attention to this fact, in these common drinking cups [referring to the glass of water upon the table before the witness] you are violating the law of the State of Pennsylvania. Fortunately for the commission you are on United States territory and we have no jurisdiction over you.

Commissioner O'Connell. What should we do to fulfill the requirements?

Mr. Wood. I would suggest that out of your large appropriation you buy a few paper cups.

Commissioner O'CONNELL. Is it a violation for them to furnish these glasses?

Mr. Wood. Yes, sir.

Acting Chairman WEINSTOCK. Well, we have friends here; if we get arrested, we can get bailed out.

Mr. Wood. Oh, you are quite safe, because you are on United States territory; but I only mention that to show how easy it is for us to get the slant of prejudice respecting the things some other people don't do and how very easy it is to overlook the beam in our own eyes, even in these small matters.

Commissioner O'CONNELL. In listening to that very interesting paper that you read, Mr. Wood, you said that the minimum wage regulation by legislation was

an economic failure; that you look unfavorably upon that kind of a law. Would your opinion upon the question of a living wage be the same?

Mr. Wood. Why, certainly; I would look with the greatest favor upon a living wage, and the highest possible living wage; but I don't think it is possible to obtain it by legislation, and I think that opinion is shared by most unionists.

Commissioner O'CONNELL. Well, several of the States of the Union have adopted what they are pleased to call a minimum wage for women in employment, and children. Have you any plan in mind that may be of value to ascertain what would be a living wage and how it might be brought about?

Mr. Wood. I have not; but on a question of a living wage or a minimum wage I feel sure that certainly economic thought is divided, and certainly trade-union thought is divided, and there is a very large body of opinion upon the part of sociologists and trade-unionists against the advisability of fixing by law a minimum wage, for the reason, which I very briefly alluded to, that you can not oblige any one to employ a person at a minimum wage, and you discriminate against those who, economically, are not, under existing conditions, able to earn that minimum wage. You oblige them to either do work at home or seek some thing which is not in the nature of employment, hired employment, and in whatever such field you make them a severer competitor of those who are regularly engaged in the industry.

Commissioner O'CONNELL. But you do believe in the regulation by law of sanitation?

Mr. Wood. Undoubtedly.

Commissioner O'CONNELL. Under which they shall be employed?

Mr. Wood. Undoubtedly.

Commissioner O'CONNELL. They shan't be employed only a reasonable number of hours?

Mr. Wood. Yes, sir.

Commissioner O'CONNELL. And those hours shall be, for children, within certain times of the twenty-four?

Mr. Wood. Yes.

Commissioner O'CONNELL. And for women, that they shan't work after a certain time; shan't work overtime, and so on?

Mr. Wood. With this modification: I am not quite sure that I am prepared to agree that there should be overmuch regulation regarding adult women, not because I don't want them to have all the advantages that can be given, but because, if I were in the position of an adult woman, I would resent any limitation upon me that did not equally apply to adult men. That is the one reason.

Commissioner O'CONNELL. But there are industries where women and children are very largely the majority of those employed, for instance, the canning industry in Pennsylvania and in other States.

Mr. Wood. Well, I think, whatever the limitation, it should be general, and should not include only women. I don't think it is necessary to include them as such.

Acting Chairman WEINSTOCK. Speaking of wages now, not sanitary conditions, regulation of hours, and so on.

Mr. Wood. No; sanitary conditions, regulations of hours, and so on.

Commissioner O'CONNELL. As I understand Mr. Wood, he does not believe in regulation on the wage question at all.

Mr. Wood. No.

Commissioner O'CONNELL. The wages of the women and children in outlying canning districts, in the agricultural districts where the canning industry prevails, the wage of women and children there would depend almost solely upon the liberality of the employer.

Mr. Wood. Well, I am not familiar enough with that branch of industry to express an opinion.

Acting Chairman WEINSTOCK. May I ask, Mr. Wood, on what do you base your conclusion here that the regulation of minimum wage by Government authorities is an economic fallacy?

Mr. Wood. I thought I had just answered that, that those who with such regulations are not able, by reason of insufficient education or training or physique, or whatever the reason, to obtain that economic wage would not be employed and would have to seek some other means of existence to their own detriment.

Acting Chairman WEINSTOCK. Well, you give this as your opinion, or is this a result of investigations that you have made where legal minimum wages prevail?

Mr. Wood. I can not say that I have made any personal investigation. I have devoted considerable study to the subject and have read the opinions of many investigators, economists, and from what practical knowledge I have of business I feel sure that that is the result. I feel quite sure that if you were engaged in mercantile business, for instance, and you had free choice as between those who were thoroughly fit and able and who ordinarily without such legislation could earn a minimum, let it be nine or ten dollars, whatever you please, and if such a law were passed fixing the minimum at \$10, and you have to pay \$10 for all, you would, of course, take those who could earn \$10, and you would leave unemployed, so far as you were concerned, those who could not earn \$10. Now, just what is the proposition with respect to that?

Acting Chairman WEINSTOCK. Well, I may be able to enlighten you on the subject, because I happen to be in a position to speak authoritatively on that particular question.

Mr. Wood. I am very glad. We of the least are delighted to learn of the experiments of California and Wisconsin.

Acting Chairman WEINSTOCK. California.

Mr. Wood. We come, sit at your feet, and imbibe wisdom at every opportunity.

Acting Chairman WEINSTOCK. Well, as special labor commissioner of California, appointed some years ago, I spent several months in Australasia investigating that very problem. And I found that Australasia is an object lesson to the rest of the world. They had the minimum wage there, not only for women and children but for men also. It has been in operation for over 20 years, with general success.

Mr. Wood. Well, will you enlighten me on this, or one particular point, as to what happens to those who are physically or mentally or educationally not able to earn as much as those who have those advantages?

Acting Chairman WEINSTOCK. I will be very glad. And, incidentally, I might mention this, that England likewise sent a special commissioner to Australasia to investigate their minimum-wage boards, and as a result of his investigations England has adopted the minimum-wage law, has had laws passed by Parliament based upon this investigation, and the minimum wage is in successful operation in Great Britain along certain lines of industry.

Last summer, when I was in London, in conference—

Mr. Wood (interrupting). That is true; but isn't it true that the minima are very low? I have made some study of the subject, and the minima fixed in Great Britain are so low that there isn't any difficulty about meeting them.

Acting Chairman WEINSTOCK. If you will let me finish my statement I will answer any question.

Mr. Wood. Yes.

Acting Chairman WEINSTOCK. Lord Asquith, the president of the Board of Trade of Great Britain, a position corresponding to that of the Secretary of Commerce, informed me that he had applications from employers and workers asking that the minimum-wage law be extended to cover other trades than is now covered by the law. The problem that you speak of, how to deal with the partially fit, is met by making the law flexible and by giving power to certain officials to grant special certificates to those who are not physically fit to earn the minimum. They are permitted to work below the minimum for a certain period and must report, and their certificates are subject to withdrawal or renewal. They meet that problem in that way.

Again, California is setting a pace. California has adopted—

Mr. Wood (interrupting). Before leaving Great Britain would you mind telling me what the minima are in some trades there?

Acting Chairman WEINSTOCK. Well, the minima are very much higher to-day than they were before the initiations—

Mr. Wood (interrupting). Whatever they are.

Acting Chairman WEINSTOCK. I don't know what they are.

Mr. Wood. As a matter of fact, they are very low.

Acting Chairman WEINSTOCK. Oh, of course, their wage standard is very much lower than the American wage standard.

Mr. Wood. That is the whole answer, I think.

Acting Chairman WEINSTOCK. But the minimum wage to-day is far higher under the law than it was before the law was created. They have raised standards very materially.

Mr. Wood. Well, I think, if my information is correct, that the minima are well below the ordinary averages for the respective vocations. I am ready to go on record with that statement.

Acting Chairman WEINSTOCK. Well, I am not prepared to answer that definitely so far as England is concerned, but I am prepared to answer it authoritatively so far as Australasia is concerned.

At my request while in Australasia, the prime minister of New South Wales and the labor secretary of New Zealand had the figures compiled to determine whether it was true that the minimum wage became the maximum, and it was found that in 55 per cent of the cases the workers received all the way from 5 to 50 per cent above the minimum fixed by law.

Mr. WOOD. That establishes exactly what I say—that was because your minimum is below the current rate of wages. Its effect is nil. If, as you say, the regular rates commonly paid are from 5 to 50 per cent above the legal minimum, the minimum has no effect.

Acting Chairman WEINSTOCK. Oh, it has a decided effect.

Mr. WOOD. Of course, for example—

Acting Chairman WEINSTOCK. No employer is permitted to pay less than the minimum; and the minimum is, as a rule, a living wage.

Mr. WOOD. Very well. Suppose, for example, in California you have considered that the current rate of wages in department stores for girls should be \$10 a week—that that is what they may be averaging now—and you fix your minimum at \$8, then the minimum has no significance.

Acting Chairman WEINSTOCK. That is true; but your minimum is arrived at, not arbitrarily; it is not arrived at arbitrarily in Australasia, it is not arrived at arbitrarily in England, and it is not to be arrived at arbitrarily in California; it is arrived at by joint conferences between representatives of employers in the respective trades and representative workers. They agree between themselves as to what is a fair living minimum wage. The States step in only when they can not agree. In the great majority of instances they do agree.

Mr. WOOD. Precisely; but, unfortunately, I haven't any figures at hand; but I think that that has been the great complaint upon the part of sociologists and economists, that where the minimum is fixed by any joint effort such as you describe it invariably in those countries where it has been practiced for any length of time—the effect has been to establish minima that are so far below the current rate that nobody is displaced; that in order to avoid the risk of displacing those not entirely fit all parties to such agreements rather concur in rates that are less than the commonly prevailing rates.

Acting Chairman WEINSTOCK. Well, admitting that, is this not true: Supposing the average or the standard wage for department-store workers was \$10 a week, and supposing that the minimum fixed was \$8 a week, would that \$8 a week at least not protect those who had been exploited and who were working at four, five, and six dollars a week?

Mr. WOOD. I doubt very much; I think it would have the effect of dismissing a great many who might not be able to earn at any other vocation any more than they were.

Acting Chairman WEINSTOCK. That would be contrary to the experience of Australasia and Great Britain.

Mr. WOOD. I don't think I could accept that statement, because I know there is a very large body of opinion in concurrence with my views, and I think if you will talk with some of the gentlemen representing trade-unions, you will find there is a very large body of opinion on their part, and they have given very intelligent study to this subject. There is a very strong sentiment among the most enlightened trade-union leaders against it. I think Mr. Gompers is unqualifiedly against it.

Acting Chairman WEINSTOCK. Might I ask you what is the reason why organized labor opposes fixing a minimum wage by law?

Mr. WOOD. I suppose the reason I have given has had a great deal of influence.

Acting Chairman WEINSTOCK. The real reason, as I have been able to get at it, is this—my associates on the commission representing organized labor may not agree with me, but I know this from my personal investigations: The real reason organized labor opposes a legal minimum wage is because if the State is going to do everything for the worker, where do the unions come in? Organized labor wants these advantages to come through organized labor, not through the State.

Mr. WOOD. That would put a very much lower estimate upon the best labor unions than I entertain myself.

Acting Chairman WEINSTOCK. Well, that may be, but those are the facts, as I have been able to dig them out.

Have you any other suggestions to offer?

Mr. Wood. None whatever.

Acting Chairman WEINSTOCK. Thank you; we are very much obliged to you. (Witness excused.)

TESTIMONY OF MR. JASPER Y. BRINTON.

Mr. BUSIEK. Please state your name.

Mr. BRINTON. Jasper Y. Brinton.

Mr. BUSIEK. You are president of the Pennsylvania Child Labor Association?

Mr. BRINTON. I am, sir.

Mr. BUSIEK. Is that a voluntary organization?

Mr. BRINTON. It is.

Mr. BUSIEK. Supported by voluntary contributions?

Mr. BRINTON. Throughout the State.

Mr. BUSIEK. You have made a considerable study of the child-labor laws, I believe?

Mr. BRINTON. Somewhat.

Mr. BUSIEK. Have assisted in the codifying of them and working for their passage in the legislature, I believe?

Mr. BRINTON. I have assisted and worked for their passage, but have never succeeded in securing same.

Mr. BUSIEK. Why?

Mr. BRINTON. Because of the relentless opposition of the manufacturers.

Mr. BUSIEK. What particular features of the child-labor laws do they oppose relentlessly?

Mr. BRINTON. Many features, among them the reduction of the hours of labor for children, which has been and will continue to be the first effort of any law seeking improved conditions for child workers in Pennsylvania.

Mr. BUSIEK. Have you made any study of the subject of how old a child should be before he is fitted to go into industry?

Mr. BRINTON. I have made a study and made every effort to secure the studies of others who have been in a better position to study. We have naturally secured the experience of every State in the Union. The absolute test, of course, is subject to any exceptional cases, but this is clear beyond any question, that as a general rule in the factory work such as is carried on in Pennsylvania children of between 14 and 16 should not work the same hours as adults. They should not work 10 hours a day, and more; at the most, they should not work more than 8 hours; and upon this rock we split and always have split. We have upon that, as we feel, evidence which is incontrovertible, and leaves no room for argument.

Mr. BUSIEK. What the commission is interested in is that evidence.

Mr. BRINTON. We have—naturally, when you come to consider the conditions affecting the health, conditions of health, and disease of children you turn to the medical profession. In Pennsylvania our medical profession stands peculiarly high. We have turned to them in the most open-handed way, and seeking no partial opinion, and have secured a unanimous opinion, so far as we have gone, to the effect that the 10-hour day, as practiced in Pennsylvania, is a physical injury to the children upon whom it operates. As there are more children in the textile industries than in any others, I think in 1912 it was something like 10,000 girls, about 10,000 girls, and 5,000 boys, something of that kind, they are the people who come forward and oppose us, and their one cry is, "Equal hours for children and adults." Our cry is, "A child is not a man and can not be treated so." That is the breaking point between us, and that is the reason the bill was defeated.

Mr. Grundy and Mr. Wood, who has just testified here, who are probably the most able representatives of any legislature, I suppose, in the country to-day, will frankly admit to you that they have no quarter for the 8-hour day; we have no quarter for the 10-hour day.

I don't want to tire the commission, and will not do so, with our evidence. We have compiled here and will be glad to hand in a brief summary of, I suppose, 20 or 30 of the leading physicians of Pennsylvania, beginning with Dr. Dixon himself, and running down through such names as Dr. Penrose, Dr. Wilson, Dr. John Marshall, Dr. Charles Fraser, and men who are known throughout the country, coming forward in most absolute terms and saying

that a child, particularly girls between 14 and 16, are passing through such a period of their physical development that the long hour is absolutely injurious to them.

We say that if this is established it puts the burden upon the manufacturers to show that the adoption of this eight-hour day, which is demanded by the children, would prove disastrous to the business of the manufacturers and indirectly to the children and their families. Upon that proposition we have never received a scintilla of evidence, and until they come forward and show us that fact, there is a clear case for the eight-hour day.

There are 20 States in the Union that have adopted the eight-hour day, including New York, Illinois, and Ohio, and more latterly, Massachusetts, one of the principal competing States of Pennsylvania in the textile industry. We have yet to learn of a single disaster occurring to any industry in any of these States, a single industry removed to any other State, or any other serious damage following in the wake of the adoption of that law.

Mr. BUSIEK. Do you think there should be restrictions as to the character of employment which children should go into?

Mr. BRINTON. There should be, of course, restrictions as to dangerous occupations, and they are tolerably well taken care of in the present law; but I think so far as that item goes we will have no difficulty in securing it in future laws. I want to say, since Maj. Wood has referred to the subject further, that the question of that bill of last year is not quite as clear as he would seem to make it. The bill which was introduced by our association, of course, contains the eight-hour day provision and the night messenger provision and the news-boy provision, and struck out the exemption from night work in the glass factories. The bill which came back from the senate committee and which he would have you believe was such a splendid bill, lost sight entirely of the eight-hour day and followed merely the woman's bill, which allowed an eight-hour day for children and which naturally would follow in the wake of the woman's bill, anyway.

It contained the glass factory exemption, which is one of the most vicious exceptions known in the child-labor line; they put it back again where it stood before, and they not only put it back again, but to give full measure they added a cannery exemption, a cannery provision of unknown evil possibility. They also made an exception in regards to overtime, and additional employment for the children of parents who are unable to make a living without their employment. Those were the backward steps taken by the Senate of Pennsylvania with respect to that bill, to say nothing of the forward steps taken to recede from our present condition.

Mr. BUSIEK. What educational standards were required?

Mr. BRINTON. That the child be advanced to the third grade. Now, Mr. Wood spoke in regard to that matter of physical examination. That was a splendid provision in that bill, and it would have been all right to put that law in force. It was a law that everybody should want to see enacted and should be forced to comply with. If there are any technical defects, they could be smoothed out. The bill was defective in all its vital points as it came back from the senate and contained a sop to Cerebus in a few trivial details.

Mr. BUSIEK. Did the American Medical Association recently take any action or adopt any resolution as to the ages of children?

Mr. BRINTON. Oh, every medical association has done so to whom the matter has been presented, and every doctor, with one exception. He said the children would have more time for their erotic amusements. I understand he enjoys the reputation of being a crank.

Mr. BUSIEK. Do you know anything about the resolutions adopted yesterday by the doctors at Atlantic City?

Mr. BRINTON. The secretary informed me it was adopted. I did not see the resolution.

Mr. BUSIEK. That is all, Mr. Chairman.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Brinton.

Mr. BRINTON. We are also, of course, very much interested in the Federal bill, and I wish to say to the commission that we hope the commission will boost that along.

Commissioner LENNON. The proposed Federal bill?

Mr. BRINTON. The Palmer bill; the proposed bill to regulate the employment of children engaged in the industries which are engaged in interstate commerce. It provides, of course, an eight-hour day, and the abolition of night work for those children, and we think it should be passed. It would effectually

relieve the entire situation, but its passage is rather problematical. And in the meantime we must fight it out in the State.

Acting Chairman WEINSTOCK. The hearing is adjourned until 10 o'clock to-morrow morning.

(Thereupon, at 4.30 o'clock Friday afternoon, June 26, 1914, an adjournment was had until 10 o'clock Saturday morning, June 27, 1914.)

PHILADELPHIA, PA., *June 27, 1914*—10 a. m.

Present: Commissioners Weinstock (acting chairman), O'Connell, Lennon, and Delano; also E. H. Busiek, special counsel.

Mr. BUSIEK. Is Mr. Maurer here?

TESTIMONY OF MR. JAMES H. MAURER.

Mr. BUSIEK. Please state your name in full.

Mr. MAURER. James H. Maurer.

Mr. BUSIEK. You are president of the Pennsylvania Federation of Labor?

Mr. MAURER. Yes, sir.

Mr. BUSIEK. How long have you held that position here?

Mr. MAURER. Nearly three years.

Mr. BUSIEK. How long have you been identified with organized labor?

Mr. MAURER. Thirty-four years.

Mr. BUSIEK. Have you made a study of the child-labor laws of this State?

Mr. MAURER. Yes.

Mr. BUSIEK. I would like to get your judgment, Mr. Maurer, as representative of a large number of laboring men as to what standard should be required before a certificate is granted to a child to work—that is, a child to work under the existing laws where they are permitted to go into an industry at 14 years?

Mr. MAURER. Well, I have very decided opinions on child labor, and, if it is my opinions that you would like to have, I will give you them.

Mr. BUSIEK. We want your opinion—that is, if you have an opinion on the question of what standards should be required?

Mr. MAURER. I don't think any child should be allowed in any factory or any industry under 16 years.

Mr. BUSIEK. Under 16?

Mr. MAURER. Yes; I base my opinion upon the fact that both male and female during that particular period between 12 and 16 are simply evolving from childhood into manhood and womanhood; and my idea of a child at that time is that they should have all the opportunity possible to develop into good healthy bodies and also develop the brain. We are about the only people on earth, the civilized people, who allow the young to be worked before they are fully developed.

Mr. BUSIEK. Who allow what?

Mr. MAURER. The young to be worked. The savage don't allow it.

Mr. BUSIEK. Well, let me ask, is this your idea, then, that you would not fix an arbitrary age limit, but that you would fix standards of physical development and mental attainment; is that your idea?

Mr. MAURER. No.

Mr. BUSIEK. Well, what do you put the age at for any industry?

Mr. MAURER. I think there should be a minimum, and that would be 16 for all children.

Mr. BUSIEK. A minimum of 16 for all children?

Mr. MAURER. I think there should be a minimum of 16; yes. There may be children, in the judgment of the instructors, who should be at least 18 or 19, perhaps 20, before they would be able to take the chance of manual labor.

Mr. BUSIEK. Well, you think that 16 should be the minimum?

Mr. MAURER. Yes.

Mr. BUSIEK. And that those if they are 16 and they are still minors before they enter an industry, they should pass such an examination as will insure the fact that they are physically able to undertake the work into which they are entering?

Mr. MAURER. I do.

Mr. BUSIEK. But under the existing law, Mr. Maurer, as we have it now, where children are allowed to go into industry before they are 16, what do you

think of the present Pennsylvania law which permits what are known as continuation schools for a child, where a school district can establish such a school with State aid and the child can then at certain periods during the week attend this continuation school?

Mr. MAUREK. I have very decided opinions on that. In fact, I think our whole educational system is wrong. The child at the present time is—the law at the present time says that the child must be able to read and write English before it shall be allowed to go to work. Well, that doesn't mean a great deal. I think that when the child has arrived at the age of 14 it is old enough then to understand, and from that period up until 16 at least we should teach it more than just simply to read and write. We should try first to develop. What I am trying to say is this: We should first try to develop citizenship in the child instead of allowing it to quit school when they can simply read and write, as the law now provides. We should give it a course in the science of sociology, and the science of biology, the science of modern economics, the science of government, and history from the materialist point of view, and then, above all, a course in sex hygiene; and after the child has assimilated some of that knowledge and the State has helped to develop its brain, I would then be prepared to start considering the development of the hands. But I consider most important, the thing most important, is the development of the brain and the development of better citizenship. At the present time the children are not taught, they don't know anything about it.

Mr. BUSIEK. In Wisconsin there is a law; are you familiar with that law?

Mr. MAUREK. In a way, yes, sir. I know something about it.

Mr. BUSIEK. That law is compulsory requiring children to go to these continuation schools and there study English, mathematics, citizenship, civics, physiology, and hygiene. Do you consider that a step in the right direction?

Mr. MAUREK. Most decidedly.

Mr. BUSIEK. Of course, they do not teach quite a number of the subjects which you have outlined.

Mr. MAUREK. Yes, sir.

Mr. BUSIEK. The Pennsylvania law provides for State aid, but is purely under its—under its provisions there is no compulsion as to whether or not a child in industry must attend those schools. Does your organization favor that this law be made compulsory?

Mr. MAUREK. I should say, decidedly, yes. I consider the present law more of a joke than anything else. The State certainly should contribute more to start with. The small amount set aside, on the plea made that the State can not afford to give more, it is just the way we have been doing things in Pennsylvania, anyway. We do them upside down. We are on our heads all the time. We are never on our feet in this State. We are wrestling with the effect. It has been only recently that we tried to prevent people getting sick. Years ago in this State we let everybody get smallpox and then tried to cure them. When I was a boy, I was a newsboy, and my father had smallpox, and I was allowed to run my route every day. No one bothered me. I suppose I dragged this pest all over the land. They tried to cure my father, but did not try to prevent others from getting it. When an epidemic breaks out now, we look for the cause and then the effect takes care of itself.

So in this State with education; we will spend in Pennsylvania \$1,000,000 to persecute the victims in society, our criminals and the people of the slums, and we deplore the fact that we have these 50-year-old men with 6-year-old brains, and then we call them the gunmen and brutes; and we have police galore and jails always crowded, and magistrates and law courts, and everything imaginable to wrestle with this problem.

Then we have our red-light district in every city, where we chase those unfortunates from place to place, and we pray for them and damn them and everything else—we are going to clean up and all the time are creating them.

We have our sanitariums to take care of the unfortunate consumptives, spending fortunes to care for the victims of this dread disease, and keep on making them, developing them at tremendous speed; and then the State says it can not afford to give any more money to prevent the development of those unfortunates.

Mr. BUSIEK. Well, the question of expense aside, you are in favor, then, of considerably more education for children?

Mr. MAUREK. Decidedly so; yes.

Mr. BUSIEK. In the first place, raising the age limit?

Mr. MAUREK. Yes, sir.

Mr. BUSIEK. And, in the next place, giving them training and guidance along the lines of industry?

Mr. MAURER. Yes; I also wish to be understood now on my position on vocational education. I do not care, in the first place, how much money the State will spend. I would rather see it spend the greater part of its resources on education; but a vocational school that is going to be controlled by a lot of lawyers and employers does not appeal to me.

Mr. BUSIEK. Now we are getting down to a subject that the commission wants some light on.

The Wisconsin plan, which I am more familiar with—and that is the only reason I refer to that so constantly—provides that there shall be an associate board that cooperates with the school authorities. Now, this board is composed of the State superintendent of schools, and of an equal number of members chosen from the ranks of labor or of the employees, and an equal number chosen from the employers. The administration of these vocational schools is left in the hands, then, practically, of the practical men of affairs—of the employees and of the employers—who are in the majority, but who cooperate, of course, with the school authorities.

Now, would your plan be much the same as that kind of control?

Mr. MAURER. Well, I think like this: These are our children, the children of the working class, that the question is about. It is our children that are going to be educated. The working class has a right to be represented on any board of education. That is the point. I think the Wisconsin plan is a very good one.

Now, the vocational feature; I just wish to make myself understood on that.

The question of teaching boys or girls trades can hardly be considered any more in this age. The inventions have abolished, to a great extent, the highly skilled trade. They are no longer necessary as they were 50 years ago. We to-day are parts of machines and not skilled workers—jacks-of-all-trades—as the times 50 years ago required.

Well, I think a school should be conducted along these lines. They should get the best out of every child that is in him. Society should always aim to do that. When the child is ready to enter into vocational training, the instructor should watch that child to see what it is best adapted for. Let it meet among the chemistry department—I won't say for how long a time; experience would determine that—and in the electrical department, among the machinists, the building trades, the department of civil engineering, and in time you will find that the child will attach itself to one particular branch that it takes to—that it is naturally adapted for. And when that discovery is made, then the child should be encouraged along that particular line.

I believe that almost all of us are adapted to some particular line more than we are to others. If society could discover—for instance, we find many men for whom at the time of their birth their parents decided what they were going to be. They would say, "John is going to be a preacher and Will is going to make a lawyer." And I have met preachers that might have made good hod-carriers and I have met lawyers that might have made good shoemakers, and I have known hod carriers that were real fair as artists and poets. It is a fact. And I have met many mechanics that only worked at the trade for a living, not because they liked it. They never were made skilled men. Their hearts were elsewhere. I am an example of that. I wanted to be a blacksmith. I was a natural-born blacksmith. Working in metal comes as natural to me as drinking water. I came from a family of ironworkers and blacksmiths. When I was a boy 8 years old I made a set of quoits—a very perfect job. You can not even to-day find any signs where the weld was made. I am very proud of that job, made when I was only 8 years old. I never had any trouble to learn blacksmithing, and the tempering of steel came naturally. But when I went to learn a trade I found no opportunity at blacksmithing, and went in and learned to be a machinist; but it has always been a hard job, though I did it fairly well. But I would have made a better blacksmith than a machinist.

And so with anyone; their natural capabilities should be considered along that line.

Mr. BUSIEK. Do you think it is safe to leave a child to pick and choose? Do you think that children may not take advantage of such a situation and just keep dabbling at this and dabbling at that?

Mr. MAURER. Oh, there may be some that will do that; yes; but—

Mr. BUSIEK. What I am trying to get at is don't you think there ought to be some direction by some one who understands children and understands their

adaptability for certain things, and that they should be consulted rather than their preference?

Mr. MAURER. I just mentioned that; the director should make a note of the child's natural inclination and then encourage it along that line.

Commissioner LENNON (presiding temporarily). Mr. Delano, have you any questions?

Commissioner DELANO. No.

Commissioner LENNON. Or you, Mr. O'Connell?

Commissioner O'CONNELL. Going outside of that question for a second and asking you a more general question, as the president of the State Federation of Labor you are naturally in touch with the industrial situation in Pennsylvania generally. Therefore you should be in a position to say something of what your experience has brought to you in the minds of the working people of Pennsylvania.

This law creating this commission provides that it shall seek to discover the underlying causes of industrial unrest and recommend to Congress some remedial legislation for such industrial unrest. What, in your opinion, is the real cause for industrial unrest? What should this commission recommend to Congress?

Mr. MAURER. Well, I will answer, first, what, in my opinion, I consider the real cause for industrial unrest and then I will tell you what I think you should recommend to Congress.

Commissioner O'CONNELL. Yes; of course, first, we must have a cause.

Mr. MAURER. Now, if the commission will bear with me for only about three minutes—I believe I can answer it. I want, first—

Commissioner O'CONNELL (interrupting). First, if you will, speak a little louder.

Mr. MAURER. Oh, I can speak loud enough. I just did not want to speak too loud.

The workers of the world, I may say—this unrest is not just with America; it is world-wide. They realize the great changes that have taken place in society in the last century. A century ago, when the means of production were primitive, crude, when we produced things by hand—in other words, why, the people, with that method of production, crude as it was, lived, I believe, and seemed to prosper; and republics and monarchies grew and fell and came up again, and so change went on after change, until about a century ago, with the discovery of steam and the knowledge as to how to apply it. With that came one industrial revolution after another, great changes, inventions of all kinds, until to-day by pulling levers and pushing buttons we can produce in a few hours what it required months to bring about a century ago.

Just look at the means of transportation. When we look at the wonderful changes wrought along that line and in connection with communication and production in every line. Now, with all that multiplied production, we find that people are just living and that is all. And I dare say that thousands are not even living. I attribute mostly every suicide to a case where living is impossible. While it is recorded that ill-health was the cause, the fact is that most of the poor people are sick because they can not afford to get the proper attention, and it is due, in a great measure, to the poisonous concoctions injected into our food.

Now, in this last century, while we still, as a working class, live from hand to mouth, and some not even that, I am safe in saying, gentlemen, that we have in Pennsylvania thousands, tens of thousands, of men to-day working to pay for what they consumed six months ago; others, three months ago; and some will never catch up. It is impossible. They are going back further and further.

And this in spite of the fact that we are producing such an abundance, more than we ever did before in the history of the world; that nature has been generous; this year we are going to have the bumper crop of wheat within the history of our country, and, while all this is going on, we are also developing millionaires at a rate that is something astounding, and those men, not only millionaires, but now reputed to be billionaires. We have Rockefeller, whose income from the Standard Oil Co. alone, according to the papers, is reputed to be \$50,000,000 a year. I saw it in the paper yesterday.

There is the trouble—the frightful, outrageous, and criminal exploitation of labor by a favored few in society. It is a system, the present system that can, a master can say to-day, "I close my mill down," and many of them are saying it.

We have an industrial depression at the present time. Now, what does that mean? Here is the worker. His capital is his labor. That is his capital. Here is the employer; his capital is his factory.

There are two kinds of capital. The worker can not apply his capital unless he has the right to use the other fellow's tools, the factory. Now, his capital stands here at the mercy of the other fellow's capital, and when this other man says, "My factory closes down," he has a right because that is his capital, under the present law, our form of government. But what about the other fellow's capital that he destroys—makes useless? The other man, in order to live, must work, use his capital, create wealth, and if he can not do that he can not live.

So, really, you see the condition is this: That the Government, all Governments, in fact, they will protect this private capital of the employer, but ignore the private capital of the employee. And, in fact, it is insult upon injury, because this unfortunate worker is forced into idleness, and this same Government that fails to see that he has a chance to apply his labor, that same Government will persecute and prosecute this unfortunate simply because he was forced into idleness as a vagrant, and the result is that he is then taken, in many States, and put in chain gangs and used to build roads, and into our big penitentiaries to work, for no other cause than because the State failed to protect his private property.

Commissioner O'CONNELL. Now the remedy?

Mr. MAURER. That is the condition, and that is why the unrest. The harder the worker works the poorer he gets. He sees that he is dispossessed. He and his class, who create everything, have nothing; and, on the other hand, the class who creates nothing have everything. That is the unrest. He can not live; he is denied a right to eke out his existence; and they are going to fight.

Commissioner O'CONNELL. Now the remedy?

Mr. MAURER. The only remedy there is—you can patch up the present order, gentlemen, all you like; there is only one remedy that is going to be lasting, and that is the social ownership of the means which mankind is dependent upon for its existence. I don't mean—I know this may strike some of you very peculiar; you say that is socialism. I don't care what you call it; it is a fact that you can—you can give it any name you like. You are coming to it very rapidly. It does not imply the public ownership of all private property. Private property harms no one, the private ownership of it, but the means by which I live, when some one owns that, then he owns me. I am a slave to that party. As a class, to live you must work. To work we must have the privilege to use another man's property, and then we can only work at the terms that the other man dictates.

Commissioner O'CONNELL. And you would have the State take over the means of production?

Mr. MAURER. I don't want State ownership exactly; no, sir.

Commissioner O'CONNELL. I mean Government ownership.

Mr. MAURER. I want the social ownership and democratic management.

Commissioner O'CONNELL. When I say State, I mean the people.

Mr. MAURER. Yes, sir.

Commissioner O'CONNELL. You would have the people own the means?

Mr. MAURER. Things that they depend upon for production; yes, sir.

Commissioner O'CONNELL. You will agree, I believe, that that would take probably some time to bring about?

Mr. MAURER. Well, I don't know. You are evolving into it very rapidly now.

Acting Chairman WEINSTOCK. You mean that you want the State, or the people, to own all the machinery of production and distribution?

Mr. MAURER. I certainly do.

Acting Chairman WEINSTOCK. That is socialism, of course, pure and simple?

Mr. MAURER. Pure, but not simple.

Acting Chairman WEINSTOCK. Well, it is simple enough to understand it.

Commissioner O'CONNELL. As I understand you, you have no half-way station proposition at all. You want to go to the extreme of the idea, or not at all?

Mr. MAURER. Oh, I would not say that.

Commissioner O'CONNELL. What this commission wants to get at—I do not speak for all the commission, but I speak for myself at least, and I don't think that I would be in favor of recommending as a finality of all the things that we have heard, that as the only thing to be done, the people to own all the means of distribution and production. Have you anything in mind that this commission could recommend to be done immediately?

Mr. MAURER. Yes, sir.

Commissioner O'CONNELL. Give us that.

Mr. MAURER. I am a great believer in making conditions as good for the worker as I can. I want every inch for my class I can get, as long as I can get it honorably; because every time we gain an inch the other side loses an inch.

I think the minimum wage is one of the things you should recommend.

Commissioner O'CONNELL. For all working people or for women and children?

Mr. MAURER. Well, our union men favor the minimum wage, a law for the minimum wage, and not for the union men, because—

Commissioner O'CONNELL (interrupting). I am not speaking of union men.

Mr. MAURER. I just wish to state, because we get that without a law. That is why we have the union, the minimum wage. But we find it very difficult to organize women and children. They don't even get enough to pay dues in an organization and support one, and that is why the union has been favorable to and working for a minimum wage. Mr. Wood yesterday in his evidence feared that a minimum wage would injure the incompetent worker. Now it is just like the employing class. They all look upon the minimum as the maximum. Now, the minimum is exactly what the name implies, a minimum, and the minimum is intended for the incompetent, for the unfortunate unskilled worker. The higher skilled, the employer always says he would like to pay a man what he is worth. Why, there is his chance, let him go to it. But the minimum, the unions have a minimum. We have a minimum. But as long as I belong to the union I really never receive the minimum. I always happened to get more than the minimum. But we have a minimum which says, "No less shall be paid." We don't say, "No more." And so I think your commission could do really a very fine work by recommending and trying to bring about a minimum, and when I say a minimum I don't mean a living minimum. I believe all of us face the fact that with all the great wealth we are creating that we are entitled even under this system to a great deal more than an existence. They say a living wage. I don't want any living wage. I want a wage that will enable me to secure some of the greatest things in life. Why, that is all the beasts of burden expect, is enough to live. If that is all society expects to get, it had better die and go out of existence. I want each child, or each woman, each worker, to have a wage sufficiently high that they can enjoy some of the grander things of life—music, a good book, recreation, the opera or drama. That is life.

Commissioner O'CONNELL. Well, I think any sensible person who speaks of a living wage speaks of it with that phase in view.

Mr. MAURER. I hope so.

Commissioner O'CONNELL. I don't think anybody speaks of simply the matter of a sufficient sum to exist.

Mr. MAURER. Well, I have read and I have met some men who said, "I believe in a living wage."

Commissioner O'CONNELL. You think that would be one of the things; do you think the question of limiting the hours of labor might be another?

Mr. MAURER. Yes.

Commissioner O'CONNELL. And that children should not be employed until after they reach a certain age?

Mr. MAURER. Yes.

Commissioner O'CONNELL. And that females should not be employed under certain conditions and longer than certain hours and should not be employed nights?

Mr. MAURER. Yes. I also believe that there are certain lines of industry that women should be excluded from entirely. I don't think women should be allowed to work in tobacco factories.

Commissioner O'CONNELL. The State should take absolute and complete and sufficient control of things to see that factories are properly protected and machinery is properly guarded and that life and limb is safely protected?

Mr. MAURER. By all means; yes.

Commissioner O'CONNELL. And that a proper and sufficient inspection should be provided by the State to see that proper sanitation prevails, as you first spoke of, not only to cure the disease but to kill the thing that caused the disease, and so on?

Mr. MAURER. Yes.

Commissioner O'CONNELL. Those things that can be reached immediately?

Mr. MAURER. That would be fine; yes, indeed. I favor all of them. In fact, I think the commission could do itself proud if it could bring such a condition about.

Commissioner LENNON. Mr. Maurer, you spoke of the children being taught in the schools the materialistic records of history, and yet you talk as an idealist.

Mr. MAURER. In what way?

Commissioner LENNON. Isn't it a fact that it has been the ideal characters of history that have had the most to do with the evolution upward of human society? Take the Carpenter of Nazareth and Socrates, and all down through the line. It is not the material deeds of those men that had the effect upon society; it is their ideals, isn't it?

Mr. MAURER. It is the material conditions that develop the idealist, and not the idealists that develop the material conditions.

Commissioner LENNON. It is not the idealist that develops the material conditions?

Mr. MAURER. Oh, no, no.

Commissioner LENNON. Well, then I am off.

Mr. MAURER. It is the material conditions that determine man's acts that have their influence in our lives. It is material conditions that determine our great wars, our great battles. It is material conditions right down in Mexico now. Do you call that idealism down there?

Commissioner LENNON. Yes; idealism is back of all of it.

Mr. MAURER. It is materialism, every bit of it; simply a conflict between the great interests and the common people who have been robbed of their land and the right to live. That is the fact.

Commissioner LENNON. Yes; but it is the ideals that give some men the courage to make the fight.

Mr. MAURER. Well, I generally notice the idealists very seldom do the fighting; it is always the poor devil who does the fighting.

Commissioner LENNON. I understand your idea. Well, in the State of Pennsylvania as to the employment of children here indicates that the textile industry leads all others in the number of children employed. Have you as yet any information brought about through your position or previous experience showing the ultimate outcome of the entrance of these children into the textile industry? Do they make a success of life, or do they not?

Mr. MAURER. Well, I will tell you. In the first place, when you put a child into industry you find this: It stunts its mental development; mental development seems to stop, in the textile industry in particular. It is not as bad as it had been formerly, but it used to be extraordinarily serious because of the lint that these children inhaled into the lungs, and developed weak lungs, and it has really wrought great hardship on the parent later on providing for and looking after these poor invalids. We take our rate of tuberculosis in this State; it is something appalling. To-day, however, some of the more modern or later built factories are better—not as bad as they used to be. We are learning now to get fresh air in, and the blower systems taking the lint, and so on, out. But even in the best-managed factory I don't believe the State should risk the life of a single one of its children or the good health of any one of its children until it has had a chance to develop a good physique, good lungs, with some light and fresh air, and then, of course, the State has done its duty in so far as it can do its duty.

Take the tobacco industry. I was on a State hearing a few weeks ago in Philadelphia of the State commission, and the question came up of girls and women working in tobacco. I unfortunately was not very well versed in the conditions that were before us, but I went home and commenced to make researches on the subject, and here is what I discovered. This is from a high medical authority: That women, whether girls or grown women, should not at any time in their lives be employed around nicotine. It unfits them for motherhood. I stand ready to-day to prove that. Now, since we have discovered that, I think it is the State's duty to step in and say that no more in the future shall women be employed to work around nicotine. And I think, therefore, that there are many trades that women should be encouraged to learn and develop and work at, and others that we should not allow even women, or sometimes boys unless able-bodied and healthy men, to do it.

Commissioner LENNON. Well, I take it that your answer signifies that there is a handicap to children making successful use of their lives because of their early entrance into the textile industry in the State of Pennsylvania?

Mr. MAURER. Yes; I think that.

Commissioner LENNON. Well, what, in your opinion, should be the object of vocational training for such children in order that the opportunities to make their lives successful shall be better? How can we apply vocational training to the children, boys and girls, who go into the textile industry in Pennsylvania so as to make their opportunity better?

Mr. MAURER. Well, for the present the only way I could see out of it to help those that are now there, no matter what the age, 18 or 19, I think the State law should be so changed as to make it compulsory on the part of the employer and the employee to go a certain number of hours each day or certain number of days in each week, as the case might be, to a vocational school, and this should be done at the expense of the employer. That will then help to develop the intellect of the child and make it a better citizen to society as a whole in the future.

Commissioner LENNON. That is all.

Acting Chairman WEINSTOCK. Mr. Maurer, I can't resist the temptation to say that I remarked to my fellow Commissioner O'Connell just now that you impressed me as being a very superior type of the intelligent, high-minded labor representative, and I propose to take advantage of this opportunity to get the benefit of your opinion and judgment to help guide this commission in dealing with a peculiar phase of the labor problem that has been forcibly brought to my notice this morning through the means of a communication which for your information I will read. I shall not give the name of the writer, because he may not care to have it made public.

Mr. MAURER. Yes.

Commissioner WEINSTOCK. I can only say that he represents a very large industry here. [Reading:] "We respect you very much for what you are trying to do, but we believe you have the wrong idea when you say, 'The union leaders will stop making mistakes when you and I as employers do.' As an illustration kindly read the inclosed clipping taken from the Philadelphia Press of June 25, 1914. We believe the union leaders to be capable of this and even much worse. We are speaking from experience." This is the clipping. It is brief, and I will read it.

Mr. MAURER. Is that that Chicago affair?

Acting Chairman WEINSTOCK. Yes. [Reading:]

"CHICAGO, June 25.

"As the first step in his announced intention of sending some 'blackmailing union business agents to jail' John J. McLaughlin, contractor and politician, held a conference with James H. Wilkerson, United States district attorney, here to-day. McLaughlin said he had paid \$2,000 blackmail under threat of having strikes called on him. He declared that George Hammond, business agent for the excavators' union, who was killed yesterday by Patrick Dignan, a contractor, was one of the men he had in mind.

"Dignan was exasperated beyond restraint by blackmail which threatened his ruin, McLaughlin told the district attorney.

"In the last year I paid them \$2,500 for the privilege of doing business, said McLaughlin. Last Thursday they demanded \$5,000 more. I had suffered too much in the brickmakers' strike, and I made up my mind that I was through. I told them to get out.

"Yesterday I went out to my plant and found they had called a strike on me. Hammond was the man, and I asked him what was the matter. 'You know mighty well what is the matter,' he said. 'Kick in with the dough; you are no fool.' Then I exploded. The contractors are not the heaviest sufferers, bad as the situation is. The honest workman gets the worst of it. He is on strike most of the time and generally doesn't know what it is about."

Now, there is a phase of the labor problem that is serious, and a way ought to be found to deal with it. We should be very glad indeed if we could devise some means or some recommendation whereby cases of this kind might be minimized. Perhaps you can suggest ways and means of doing that?

Mr. MAURER. I don't really see how that can be avoided until the intelligence of the rank and file is improved. There are many people who join unions and pay dues, not because they understand a thing about it, but because in some cases it is fashionable; some places they must in order to work—closed shops—while others, of course, they join because they are in sympathy with the idea, and the great majority are those kind. But then they don't attend to their business. They pay men to do their work and seldom know what is going on until there is some great question arises, like a strike, increase of wages, reduc-

tion of hours, or something like that, and then they come and are guided in their expressions of opinions by those whom they had in active harness in the business. That is pretty much true now of the old school. I have heard a great deal about that in my time. I have heard a great deal about it in my time where they held up contractors. I could not prove a case. But that is the kind of labor leaders we call labor fakers, labor skates, crooks. If the case in Chicago is a true one, I do hope they get the proof on it and send them up for a good length of time. In my mind those men are an injury vitally more harmful to the working class than Mr. Post, of the Manufacturers' Association, or anybody else ever dared be. I would rather deal with an open enemy any time than with one in my organization. Just what you can do I don't see other than recommend that they be handled the same as blackmailers or any other class of criminals and that they get the full limit of the law. If I was on the bench and such a creature came before me, I would sentence him for just about 50 years beyond his lifetime. I consider them really, in my mind, the man who would betray his class is to me a worse criminal than a murdered. I can excuse a murderer some time but I can not excuse a man who is taking money from the workers and then betraying them.

Acting Chairman WEINSTOCK. Let me ask, Mr. Maurer, in speaking as you are, are you representing simply your own sentiments, or do you think that you are reflecting the sentiment of the rank and file of organized labor?

Mr. MAURER. I think I am reflecting the sentiment of the rank and file of organized labor.

Acting Chairman WEINSTOCK. Then how do you explain the peculiar phenomenon that when Sam Parks, who was an avowed grafter, come out of jail he was made the marshal of a Labor Day parade and greeted as a great hero?

Mr. MAURER. Well, the New York movement and the Chicago movement and the Frisco movement are tailenders, if you will pardon me—

Acting Chairman WEINSTOCK. Well, we deserve it all right.

Mr. MAURER. Are part of the tail end of the old movement. We have men in this State who are of the old school, and it is not fair to judge the whole labor movement by the shortcomings of some renegades in it. When you speak of Parks, why, he, of course, was held up as a martyr; just the same as most any other great question; the great mass are poorly informed, as a rule. And then again, the fact that he may have been made marshal—I don't know the details, but it is easy to do it if a committee like himself in control of the demonstration just simply says so and the rank and file may parade along and won't even know who is up front. But I would not think for a minute of trying to leave the impression that the rank and file at this age has any sentiment at all for such people. There are, however, conditions when men we know have been persecuted and, we believe, innocent, and sometimes even though we believe they are guilty, we believe their guilt was justified and we will fight for them.

Acting Chairman WEINSTOCK. Is this true, Mr. Maurer, that while on the one hand organized labor in its published statements takes the ground that it stands up for law and order and that it is opposed to violence in labor troubles; that when members of organized labor commit violence organized labor, as a rule, stands behind them on the ground that they committed this violence in the interest of labor and, therefore, right or wrong, labor must stand behind them?

Mr. MAURER. Yes; I think that is right, too.

Acting Chairman WEINSTOCK. And you think that organized labor should stand behind members that commit violence?

Mr. MAURER. By all means in a class conflict. Let me take, for instance, Colorado, that terrible massacre there. When our men took up guns and fought, do you mean to tell me that we are not justified in going to the highest court of the land to defend those men who took up the guns and fought the military there?

Acting Chairman WEINSTOCK. Well, it seems to me that would depend Mr. Maurer, whether that was offensive or defensive. A man is surely justified in resorting to violence to defend himself, but to my mind as long as we have the ballot and as long as we have in many States the initiative and referendum and recall, no man is justified in violating the law except defensively.

Mr. MAURER. Pardon me, but unfortunately in Colorado and Michigan and West Virginia the law was being violated by the employing class every day and the State holding aloof, nothing doing. We appealed to the State and we appealed to the Government and we appealed to the local authorities for protection. No protection. They just kept on slaughtering our people and locking us up by the hundreds, and then as a final climax in Colorado they came down

and riddled this tented city to pieces and burned it up and smothered the women and children and still the State holding aloof. Do you want to tell me our people were not on the defensive?

Acting Chairman WEINSTOCK. How about the McNamaras? Were they on the defensive?

Mr. MAURER. The McNamaras? They were victims of your own system, my dear sir.

Commissioner LENNON. I will refuse to sit as a commissioner if there is any more applause or any interference by anyone in the room with the work of the commission, and the sergeant at arms, so far as I am concerned, will eject anyone that is guilty again of such infraction.

Acting Chairman WEINSTOCK. Proceed, Mr. Maurer.

Mr. MAURER. The McNamaras did not believe in the ballot, using unity at the ballot, because they were individualists, the very thing that our institutions teach. They are victims of the prevailing order. If you can do this thing yourself, individualism. And they tried to make with their organizations conditions bearable for these men who go up on our skyscrapers and risk their lives and walk out on little channel irons. I don't know whether you people realize what that work means, but I do. I was a rigger in my day, and I know what it means, and I know what it is to lose your nerve. I lost mine and I never got it back again. I could not walk over a plank 15 feet off the ground to-day without getting nervous, and there was a time I went any height and did not mind it. Once you have one bad scare you very often lose your nerve and never get it back. Railroaders do that. And every once in a while one drops. Almost every skyscraper you have got has paid its toll. Wanamaker's—I don't know how many were killed there, but I saw several killed one day when I was watching it. The McNamaras were in conflict at all times and trying to get living conditions for these men, and at all sides they were hampered. They would not think of recommending unity at the ballot box to bring about a better condition, because their whole training was different; they were individualists, and force was used against them and they came back with force. If what they confess is true, if they confess to truths, which I sometimes doubt, but if they confess to truths they simply use the weapons as individualists in their own way of conceiving a class war, which was proper to use.

Acting Chairman WEINSTOCK. Would you justify their methods?

Mr. MAURER. No.

Acting Chairman WEINSTOCK. You are not in sympathy with them?

Mr. MAURER. No. It brings you nothing. It was deliberate, you know. It wasn't any class conflict; it was a plan.

Acting Chairman WEINSTOCK. It was offensive rather than defensive?

Mr. MAURER. Oh, yes.

Acting Chairman WEINSTOCK. Well, it is quite plain, Mr. Maurer, that you and I agree that any man is justified in resorting to violence defensively?

Mr. MAURER. Yes, sir.

Acting Chairman WEINSTOCK. But do you believe that men are justified in this country, with a free ballot, in resorting to violence offensively?

Mr. MAURER. Yes; but I wish to have that qualified. My life is my all, as a worker. I want to live. Like all animals that fight for their lives, we are no different from the rest, from that point of view. When I find a system slowly but surely sapping that life away from me and my family, and I am going down and down, if I don't know of a better way, I am going to fight then. And no telling where I will strike. You take your assassins, they are victims of their training, individualists.

Acting Chairman WEINSTOCK. Does that preachment that you have just now given, doesn't that place you in the ranks of the I. W. W.? That is exactly their doctrine.

Mr. MAURER. No. I believe in industrialism. I did that many years before you heard of the I. W. W., but I don't believe in the doctrine of the I. W. W., but I do believe that the individualist is the product of the present order. It is here. The champions of the present order are responsible for it, and they have got to pay the price.

Acting Chairman WEINSTOCK. You are not in sympathy, then, with the I. W. W. methods?

Mr. MAURER. No. I wish to be qualified; I am in sympathy with their philosophy.

Acting Chairman WEINSTOCK. But not with their methods?

Mr. MAURER. Not with their methods of acquiring their ends that they aim at. Acting Chairman WEINSTOCK. Yet they say just exactly what you have just said, Mr. Maurer.

Mr. MAURER. In what way?

Acting Chairman WEINSTOCK. They claim they are robbed of the opportunity of getting the things in life they feel that the men ought to get; that the ballot is too slow.

Mr. MAURER. I don't say the ballot is too slow.

Acting Chairman WEINSTOCK. They do.

Mr. MAURER. They do, but I don't.

Acting Chairman WEINSTOCK. And they want direct action. Your method would be direct action.

Mr. MAURER. Oh, no. I hope I have not made myself understood that way. I am showing you what creates that sentiment, not mine. Why you have that element to contend with. I may have said "I" merely to illustrate.

Acting Chairman WEINSTOCK. Yes.

Mr. MAURER. That is the psychology of it. The fact that life is here and, having as men will, he will die before he will starve. He will strike back and you can never tell where he will strike or who he will strike. I have more sympathy for the man who strikes back than for the fellow he strikes at.

Acting Chairman WEINSTOCK. When he is striking back, he is doing it defensively. We are not talking about defensive violence; we are talking about offensive violence. What I want to get at is this: As to whether you, representing organized labor, justify the resort to violence offensively?

Mr. MAURER. No, sir.

Acting Chairman WEINSTOCK. You do not?

Mr. MAURER. Oh, no.

Commissioner LENNON. I would like to ask a question? How long have you been a trade-unionist, Mr. Maurer?

Mr. MAURER. Thirty-four years.

Commissioner LENNON. Have you ever known of a doctrine of violence, or a doctrine setting aside of law as advocated in the unions of the country where you have been?

Mr. MAURER. There is no labor organization that I am acquainted with that does not advocate lawful, peaceful, orderly methods of procedure. I have never been connected with a strike in my life, and I have been in many strikes, that we did not always advocate order, peace, keep our men home, keep them off the streets, and even when a picket was insulted by the police and hired thugs, our men have time and again gone down in their own blood without raising a hand in defense.

That, you know, is about the record here.

Commissioner LENNON. Isn't it true, Mr. Maurer, that the act of, we will say, Sam Parks, or the men that this item refers to, as having taken place in Chicago, isn't it true that those are the acts of individuals? That is not the trade-union action?

Mr. MAURER. That is true; yes, sir.

Commissioner LENNON. The acts of the union?

Mr. MAURER. Yes, sir.

Commissioner LENNON. You might just as well charge it to the Presbyterians or Methodists, if they happened to belong to that church, as to charge it to the unions?

Mr. MAURER. Yes, sir.

Mr. BUSIEK. It is not the outcome of unionism?

Mr. MAURER. Oh, no.

Mr. BUSIEK. It is individual action?

Mr. MAURER. Individual action.

Mr. BUSIEK. That is all.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Maurer.

Mr. MAURER. I just wish, if you will allow me—I made a note of something here yesterday. Mr. Wood laid stress upon the child-labor legislation defeated at Harrisburg and tried to have you people believe there was very little difference between us—in fact, hardly any; and that we had failed to take advantage of the proposed law, and that that is why we still had the old law, and that the proposed law was better than the old one.

I just wish to have you understand that. The bill, as amended in the senate, if it had been at least a shadow better than the present child-labor law we certainly would have accepted it. But it was amended, not only once or twice,

but perhaps seven or eight times, and each time it looked like a crazy patch-work when it came out. He says that there were five amendments, and there were five important amendments; but there were lines and names and words, and so on, changed here and there so that we finally decided, after carefully examining both the old and the proposed amended one, that if we accepted it, the children would be in worse plight than what they were under the old; and that was the reason why we requested our friends in the legislature to see that we did not get the new one.

Acting Chairman WEINSTOCK. Thank you very much.

Mr. BUSIEK. Mr. Frazee.

(Witness excused.)

TESTIMONY OF MR. JOHN C FRAZEE.

Mr. BUSIEK. You may state your name, Mr. Frazee.

Mr. FRAZEE. John C. Frazee.

Mr. BUSIEK. And please give us your occupation.

Mr. FRAZEE. Director of vocational education and guidance.

Mr. BUSIEK. What schools, in your judgment, Mr. Frazee, should be established to give vocational training to children before entering industry?

Mr. FRAZEE. The most important school is the elementary school itself. There are a number of divisions of elementary schools which should be separately spoken of in this connection. There is a school for the normal pupil, the pupil of average ability; there is the school for the child who is classified as a special pupil, one having some defect mental or otherwise. There is a school for the boy who by some is called the "hand-minded" pupil. The boy who is apparently bright enough, but to sit and study with books all day is an impossibility to him, and when he has gotten up to the age of 14 and is permitted by law to go to work, he oftentimes is not yet beyond the fourth grade in the school.

Now, for the first class of boys, the normal average boy, I wish to say that our elementary schools, as a whole, are appointed to fulfill his need, but the organization of the elementary school at the present time is one which is of a nature which was supplementary to the larger outside experience that a boy got 50 or 75 years ago, when the economic and social fabric of his neighborhood was simpler than you find in Philadelphia.

I want to emphasize that the classroom instruction that the boy got 50 or 100 years ago was an instruction supplemental to the experience and the knowledge that he gained in the outside world. Consequently, as a first means of supplying vocational training, or a state of mind, or an understanding in the boy and in the girl, we need to insert a something into our elementary schools as a whole which will take the place of this large element of outside experience and knowledge that was gained by the boy of 50 or 100 years ago, when conditions were simpler than they are now. These are, to my mind, the very foundations of vocational training.

Mr. BUSIEK. And that is something his vocational training ought to supply.

Mr. FRAZEE. By all means immediately. Vocational training involves more than the training of the hands. It is the growth of an appreciative knowledge of what the world of work means. It is the growth of a feeling of responsibility, the lack of which causes the common criticism that our boys to-day are not the boys that we had 25 years ago. If they are not, it is because they have not been given the chance.

Mr. BUSIEK. What vocational training would you suggest should be provided for children between the ages of 14 and 16 years, and who are now at the present time employed in industry?

Mr. FRAZEE. There are some types of vocational education for children between 14 and 16 who are employed in industry which, perhaps, would not be necessary if we had organized our elementary educational facilities as I have attempted to outline in answer to your previous question. A large amount of the education provided for children in industry between 14 and 16 is at the present time of an academic nature. I can think of schools over the country where continuation education is being applied where the average grade of achievement is between five and six—the fifth and sixth grades.

Mr. BUSIEK. Now, Mr. Frazee—

Mr. FRAZEE (interrupting). Now, just a moment. As a consequence, until we shall have reorganized our vocational schools so as to do better by the boy who is, as I said, "hand-minded," and so as to have given him more in

his six or eight years of schooling, one of the types of vocational training that must be provided for the child between 14 and 16 in industry is merely of an academic nature, and it is of a vocational type. It may be classed as vocational training, because for a person to be vocationally efficient he must have the trained mind.

In the second case, until we have been able in our elementary schools to provide for this acquaintanceship on the child's part with what the work of the world means, we must provide in these part-time or continuation schools upon which I am speaking something of that nature there.

The third and permanent type of vocational training for this period, to my mind, is that which is of a secondary and supplemental nature to the trade technique itself.

You have a boy in some industry; he is acquiring the technique of that industry. There are certain supplemental considerations which the public schools must give. And in this connection I wish to put myself on record as favoring nothing but day instruction for pupils employed between the ages of 14 and 16.

Mr. BUSIEK. Do you believe that should be compulsory?

Mr. FRAZEE. I think at this time the creation of laws of the compulsory nature is unwise.

Mr. BUSIEK. Why?

Mr. FRAZEE. We will be plunging ourselves into the working out of a system of education more rapidly than we are justified in doing. I say this with the explanation that should be made here, that to my mind the hope of vocational education lies in the revising of our present educational system. It is a tremendous job; and to have educational training begin when the boy leaves school at the legal employment age is merely attempting to repair a thing which has been only partially executed, only partially done in school. Consequently, to have compulsory education laws of the kind that you speak of now pushes the issue, to my mind, so rapidly that it is impossible for us to adequately revise our educational system, as a whole, to meet the demands that are made. As soon as we are able to meet these demands, I think I should answer your question in the affirmative.

Mr. BUSIEK. Well, it is a case, then, of the constituted school authorities not being able to cope with the situation, but the principle of compulsory education, you think, is all right?

Mr. FRAZEE. The principle of compulsory education in time, I think, is all right. I would not say that it was a matter of the constituted school authorities not being able to cope with the situation. It is a matter of our adjusting our methods and means to a situation which has developed very rapidly, and too rapid an adjustment will be a premature thing. It is better to go a little more slowly and to go certain than to be in large error.

Mr. BUSIEK. Then your idea is that while these children at present ought to have some sort of education, they must suffer for the lack of it until such time as this scheme can be worked out properly—slowly but surely?

Mr. FRAZEE. Well, when I say "slowly but surely," I am not thinking of 20 or 30 years ahead; I am thinking only a few years ahead. I think if laws of this kind were passed at this moment the damage, perhaps, would be greater than the good. I know a large city in the United States in which laws of this kind exist, and in that city the provisions as yet are inadequate. I refer to Cleveland, Ohio.

Mr. BUSIEK. Have you studied the situation in Milwaukee, where at one fell swoop—

Mr. FRAZEE (interrupting). I know Mr. Cooley very intimately.

Mr. BUSIEK. What do you think of Milwaukee's system?

Mr. FRAZEE. The system of continuation education in Milwaukee is one of the best in the United States. Mr. Cooley is a man of remarkable ability, and there, I will say again, a large amount of the work that is being done is of an academic nature. I have gone through Mr. Cooley's school with him and have talked to his individual pupils and individual teachers, and a large amount of the work that is being done in that continuation school is work that should have been done in the elementary school.

Mr. BUSIEK. I think it is divided half and half, but wouldn't that be a good thing for the children in industry in Pennsylvania if such a thing were done right now?

Mr. FRAZEE. It would, by all means.

Mr. BUSIEK. And immediately, as it was done in Wisconsin?

Mr. FRAZEE. It would, by all means, be a fine thing if it were done at the present time; and it should be done until we can accomplish it in the elementary schools themselves, which, I think, is the final proper solution of the question.

Mr. BUSIEK. What do you think about having a board to work in harmony with the present constituted school authority, or to have a board constituted at such a time when you have the law that you want, which board shall include employers and employees in industry to have an equal voice with the school authorities in the control of these vocational schools?

Mr. FRAZEE. I must answer that in this way: That since it is in the elementary schools that the beginnings of all this vocational training must be made, and since it is there that our strength as an educational system lies, since there we have children five days in the week, all the time, every week, until the time they are 14 or 16 years of age, and since in the continuation schools we take them at 14 or 15 or 16 years of age and have them for only a half day, or at most a day a week, for instruction, that the problem or chances of accomplishing what we want to accomplish are so much greater in the elementary schools themselves that I can not countenance, in my own mind, the chance of losing this opportunity to the elementary schools by the creation of a separate board.

I am in favor of the unit system of administration for the reason I have stated.

Mr. BUSIEK. Don't you think, if there is going to be vocational guidance and vocational study, that the people who are to be ultimately most affected ought to have a hand in the administration of that, or some directing hand, rather, in preparing the children for that field?

Mr. FRAZEE. I think that employers and labor should cooperate in the very closest way, not only in our vocational education but with all educational activity; for, if all our activity is a vocational activity throughout the entire school, as I hold that it should be, there should be the closest relation between labor and employers with reference to the schools; and I think it will be better accomplished in itself than by a separate board of administration.

Mr. BUSIEK. Well, do you think or are you in favor of representation on the boards; that is, carrying an equal voice with the members now who are concerned with the purely academic services?

Mr. FRAZEE. State that question again, please.

Mr. BUSIEK. What I am trying to get at is this: Do you think that the representatives of labor and the representatives of employers should have equal representation on their boards with those who devote themselves more purely to the academic studies of the schools?

Mr. FRAZEE. I think that the vocational, that even the academic side of the school itself, is largely of a vocational nature. There are so few of us who do not get in the same vocation. I think for that reason that there can not be a division of the kind that you speak of. I think that the laboring element, the employing element, are the only two elements which can constitute our administrative board.

Mr. BUSIEK. That is all.

Acting Chairman WEINSTOCK. Anything, Mr. Lennon?

Commissioner LENNON. You mean by the hand-minded boy or girl, those who express their mentality through use by their hands? Is that what you mean?

Mr. FRAZEE. I mean by the hand-minded child the child who can think about arithmetic better when he is thinking around some material object.

Commissioner LENNON. Yes. And then your idea is to so make the primary schools that they can get the very best out of those children as well as the others?

Mr. FRAZEE. By all means.

Commissioner LENNON. Now, take the school board of the city of Philadelphia—I don't know who they are and I don't know a thing about them—wouldn't it be a wise thing for the citizenship of Philadelphia, when the school board is elected or appointed to give representation to the labor people on the school board as well as employers and the highly educated people?

Mr. FRAZEE. I think that since the public-school system is a public enterprise that the public should be represented, and with that I answer your question in the affirmative.

Commissioner LENNON. You know something of the work of Prof. Snyder, in Cincinnati, I suppose?

Mr. FRAZEE. Yes.

Commissioner LENNON. Do you believe that the professor is doing some practical work in that city?

Mr. FRAZEE. Prof. Snyder's work is with university students.

Commissioner LENNON. Yes; I know.

Mr. FRAZEE. I think that he is doing a type of work which I would like to recommend as a type of work for all children below 18 years of age. It seems to me that try as we will in the schools we can only give a partial vision to the child of what the work of the world does mean. I would like myself to see, in time, provisions which would make it possible for half a day of time to be spent in school and half time to be spent at work for those who desire, between 14 and 18, but that no child below 18 years of age should spend his entire time at work; and if, under those circumstances, the proper care financially of a child were involved, I think it would be incumbent upon the State to provide that care.

Commissioner LENNON. That is all I have.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Frazee.

Mr. FRAZEE. Is that all?

Acting Chairman WEINSTOCK. That is all.

Mr. BUSIEK. I will call Mr. King.

(Witness excused.)

TESTIMONY OF MR. MILLARD B. KING.

Mr. BUSIEK. Mr. King, will you state your name in full?

Mr. KING. Millard B. King.

Mr. BUSIEK. Mr. King, you are director of—

Mr. KING. Expert assistant of industrial education, having direct supervision of industrial and home-making education.

Mr. BUSIEK. What schools are provided for in the vocational-education law in this city?

Mr. KING. Three types of school provided for in the law of 1913: The all-day, part-time or continuation, and the evening. Those three schools may be given in three different forms—agricultural education, industrial education, and home-making education.

Mr. BUSIEK. How far has the work advanced in those established schools?

Mr. KING. Owing to the fact that the law now—money was not available until last August—it was impossible for the school district to generally introduce this form of work. In spite of that fact, at the present time we have, since August 1, 1913, 21 school districts, and 17 different counties have already qualified for State aid by establishing various types of those schools.

Mr. BUSIEK. Twenty-one—

Mr. KING. Twenty-one school districts in 17 different counties.

Mr. BUSIEK. How many districts are there in this State?

Mr. KING. About 10,000.

Mr. BUSIEK. Ten thousand?

Mr. KING. Yes, sir.

Mr. BUSIEK. Twenty-one have made application?

Mr. KING. Yes, sir; that is, they have qualified. At the present time we find that this coming year at least 30 counties will be reached by this law, that meaning 13 additional counties this coming year. Of course, that does not include development in the evening-school work, largely in the day-school work. At the present time we have five day agricultural schools, four day home-making schools, one cooperative, termed, fashioned after the plan of Dr. Snyder's school, or the Pitchburg plan. We have 12 evening industrial schools and 9 evening home-making schools, now caring for 2,500 men and women.

Mr. BUSIEK. Two thousand five hundred?

Mr. KING. Two thousand five hundred in the past year.

The agricultural schools have enrolled a total of about 90 boys. The home-making schools run about 75 girls, and in the cooperative or part-time plan of the city of York 125 boys are now enrolled in that course.

Mr. BUSIEK. Are any of those boys in industry?

Mr. KING. At York they spend half time in school and half time in industry, being apportioned between the various manufacturing concerns throughout the city. At least the machinist trade is being handled, pattern making, tinning, and plumbing.

Mr. BUSHEK. In the absence of any compulsory feature, how do you get the boys into those schools?

Mr. KING. I might say this, that as far as the night schools have gone we have worked largely upon the question with the night schools—I don't believe it is feasible or wise to ask any boy under the age of 16 to attend a night school. I believe that by requiring the boy to attend between the ages of 14 and 16 you are depriving him of what is his legitimate play and rest hour, and the information which he acquires at night is not commensurate with the amount of energy expended in attending that school, and I do not believe that the continuation school—I believe that the continuation school must eventually be made compulsory. I think that the right ought to be asserted, that the children until the age of 14, at least, are wards of the State, and whether they work or not depends upon the attitude of the State.

Mr. BUSHEK. You mean until 16?

Mr. KING. Until 16; yes, sir. And I do think that when that law is put through, and it ought to be put through in Pennsylvania this coming session, asserting their right to say that, at the end of each year, taking all the districts of the industrial cities, cities of over 5,000, they should all operate compulsory industrial schools. I do not feel so much the question of working out the expense as the question of financing it through some of the districts, and if it were put through this year it would be a question of two or three years of winking at it before we would get any practical results. But I do think that in that law there ought to be a provision made that the districts that feel they can take care of the problem let them take care of it at once, and for those that can not wait until the expiration of three or four or five years for them. That gives them all a chance to get in financial shape.

Mr. BUSHEK. Then your idea of the present law would be that any district can adopt this law and make it compulsory at once?

Mr. KING. Yes, sir; but all districts of a certain class, at the end of three or five years, must furnish compulsory continuation schools. Those schools to be of two types, the general-improvement school, which seeks to extend the general knowledge of the child, and what might be termed the industrial school, and the school which seeks to give the child related information concerning industry in which he is employed. At the same time I think it should be provided that all boys who are not working in the industries should be compelled to remain in school until 16.

Mr. BUSHEK. That ought to go with it?

Mr. KING. I think so; yes, sir. Personally I do not believe it is possible to give training for any specific job under the age of 16. I do not believe you can give it efficiently; and that until the period between 14 and 16 it ought to be devoted largely to a period of trying or finding, on the part of the boy, so that he would be able to have a grasp of three or four, say, of the industries in the community and find out in just what particular line of work he would be best adapted to, and then take that up and train him as best you can for that particular industry or occupation.

Mr. BUSHEK. What schools have you established so far for providing for that kind of instruction in the mining district?

Mr. KING. We have at the present time a series of evening schools in the mining industry. The men who are employed during the day in the mining industry are admitted to those schools. Usually schools of instruction in the mining, ventilation, surveying, and so forth, was being given while the schools were in session, the school aim being to enable the men being employed in the mining industry to increase their technical knowledge of that industry so as to assist them in getting their mine papers. The past year the men enrolled entered the examination for their State papers. In Shamokin of the nine men taking the mine foreman's examination for mine foreman certificates, 8 passed, and the remainder of the men, some 27, passed for the assistant mining foreman certificate.

I have not received the returns for the Nanticoke district. I will say that I have very reliable information that the examination of this past year for State papers was made more difficult, because of the evening schools being in operation, than ever before. And the men passed successfully. They are very much interested, and I want to see it go on. We hope next year—in fact, this year we not only gave some work in mining, but for motor running, mule drivers, etc. But when you realize that the mining industry, composed of the least classified jobs inside—that is, from the top of the shaft to the face—and 30 classified jobs from the top of the shaft to the breaker, you realize

that it is rather a complicated problem to handle, and we have been hoping to be able to get at a scientific basis, if there is any such thing, in the mining industry. Until we do reach that, we do not believe we will get much further than we are at the present time.

Commissioner LENNON. Is there any age limit where the admission of working miners enter the school? Suppose a man of 50 wanted it.

Mr. KING. If he so desires, he may come in. As a matter of fact, we had some 65 enrolled, and they were having a very enjoyable time.

Commissioner LENNON. Learn fairly well?

Mr. KING. Yes, sir; they did, for this reason: That the subjects which they were studying in the school were directly related to their day's employment, and they could see some use in it, and all in the terms of the occupation they were familiar with. I had an amusing experience with a man of 50. He was dealing with cows and sheep, and I asked him whether he enjoyed it, and he said, "Do you know I don't know whether I am going to have anything to do with cows and sheep; I would like to know how to figure the number of rails necessary to lay a length of track 1,000 feet from the gangway to the face." We tried to give them what they need. With that in view, we find the men are much interested in it. We had 1,016 men, boys, and women enrolled in Shamokin, in the Shamokin district, 780 in the Nanticoke and Waupaca districts.

Mr. BUSIEK. That is all I have.

Acting Chairman WEINSTOCK. Mr. Delano, have you any questions?

Commissioner DELANO. Mr. King, how long have you been in this vocational work?

Mr. KING. Two years.

Commissioner DELANO. Where did you get your training? The difficulty seems to be, in this vocational work, it is coming with such a rate that it is difficult to get the teachers.

Mr. KING. First of all, by the work in the sawmills; I have worked in the brick yards, I have worked about the mines, I have worked on concrete construction work, on railroad construction work; I have my trade as a cabinet or furniture worker, and graduated as engineer from the Pennsylvania State College, and then went into the teaching end of it for three and a half years, so as to know some of the school problems.

Acting Chairman WEINSTOCK. That is all; thank you.

Mr. BUSIEK. I will call Mr. James S. Hiatt.

TESTIMONY OF MR. JAMES S. HIATT.

Mr. BUSIEK. Your name, please.

Mr. HIATT. James S. Hiatt.

Mr. BUSIEK. You are secretary of the Public Educational Association of Philadelphia?

Mr. HIATT. Former secretary.

Mr. BUSIEK. Former secretary?

Mr. HIATT. Yes, sir.

Mr. BUSIEK. Is that a voluntary association?

Mr. HIATT. Philanthropic organization; established for the last 30 years.

Mr. BUSIEK. You have made a study of industrial education and study of the child in industry, have you?

Mr. HIATT. Yes; as secretary of that organization we have made two different studies. A year ago, through the compulsory-education bureau, by adding two specific types of questions to the usual census, we found exactly the kind of work being done by the children between 14 and 16 years of age in Philadelphia.

Later we made a study of all of those attending the evening schools to find out the type of work they were engaged in, the amount of schooling they had had, the reason for their leaving school early (if they did leave school early), and the amount of wages they are getting at the present time.

Mr. BUSIEK. In what general groups of occupation are children distributed in the industries in Philadelphia?

Mr. HIATT. We organized that two ways, sir. First, we found that 43 per cent of all students, or boys and girls who should be students, between 14 and 16 years in industry were in factories. That same thing holds true of the persons attending our evening schools. There 51 per cent are in factories. Of the boys and girls between 14 and 16 years of age 20 per cent were in stores; 8 per cent were in offices; street trades, 1.5 per cent. Only 3 per cent were in skilled

trades or in anything that would lead to a skilled trade. That was out of 13,742 boys and girls who were employed between 14 and 16 years of age.

Mr. BUSICK: I suppose it takes the figures to convince you of their need of vocational education?

Mr. HIATT. No, sir. Another basis of that—statistics, if you wish it, have gone to the United States Census Division—taking trade and transportation as our basis, we find that 30 per cent are there employed—those who now attend our evening schools. Forty-seven per cent of those who attend our evening schools are under 18. The rest are adults. The adults largely take English for foreigners. Only 31 per cent who now attend our evening schools take any vocational course of any kind. Most of them, particularly the adults, take English for foreigners. So that really our evening schools are not taking the problem of vocational training. Only 31 per cent, less than one-third, get any type of vocational training through our evening schools. In manufacturing and mechanical pursuits, those who attend our evening schools, 59.4 per cent are there employed, either in building trades or in clay and stone, food products, leather goods, lumber, metal goods, and so forth, according to the census classification.

Commissioner O'CONNELL. Mr. Hiatt, Mr. Delano has just asked me a question. You say English for foreigners; what does that mean?

Mr. HIATT. We have, of course, a great many immigrants in Philadelphia. They are employed during the day. One of the particular developments we have here in our evening schools in Philadelphia—and we have about 16,000 enrolled during the year—is the organization of classes for foreign-speaking immigrants, trying to teach them English.

Commissioner O'CONNELL. There is no short cut about it? It would not be teaching foreigners English?

Mr. HIATT. It is a type of English, sir, that appeals to foreigners. It is made on the basis of translation rather than on the basis of grammar.

Commissioner O'CONNELL. I see.

Mr. HIATT. The basis of conversation, so that they may learn English quickly.

Commissioner O'CONNELL. It is a short cut, then?

Mr. HIATT. It is as short a cut as we can get for them.

Commissioner O'CONNELL. I have convinced my friend that I am right.

Mr. HIATT. It is not a matter of putting them through our ordinary English course.

Mr. BUSICK. What proportion of the children leave school at the age of 14 years; that is, the proportion?

Mr. HIATT. In Philadelphia in the last two years we have had rather an interesting situation on that. In 1912 there were 25,405 children 14 years of age in the city. Only 75 per cent of those were in school. In 1913 we had approximately the same number of children—a little larger number, 25,574—and only 67 per cent of them were in school. A distinct loss.

Put it in another way: Of the 14-year-olds in Philadelphia in 1912, 21 per cent were at work. In 1913, 30.5 per cent were at work. It is worse even for the 15-year-olds; that is, in 1912, 37.8 per cent of the 15-year-olds in the city were at work and not in school.

This year 51 per cent, according to our school census, of the 15-year-olds in the city of Philadelphia are out of school and at work.

Acting Chairman WEINSTOCK. To what do you attribute that?

Mr. HIATT. It is very difficult to give any reason for that. Possibly hard times. Certainly, it means that our schools are not more attractive than they were before. A study of all the school attendance shows that there is only about 1 per cent less attendance in parochial, private, and public schools throughout the city at that age than there were last year. So the development is that of flooding away from our schools of our 14 and 15 year old boys and girls. They leave and go to work.

Commissioner LENNON. At 16; I suppose a very small number continue after 16?

Mr. HIATT. To get at that in this way, Mr. Lennon, if you will. There are 33,000 people in our first grade—there were last year. At the end of the sixth grade we had kept only 46 per cent. At the end of the eighth grade we had kept only 22 per cent. In the first year in the high school we had only 12 per cent of the number we had in the first grade of our school, and in the twelfth grade the last year in the high school we had only 3 per cent, and, of course, we graduated less than 3 per cent of the entire number in the first grade. That does not necessarily mean those who started in the first grade at that time,

but who are to-day in the first grade. It is the vanishing point. Philadelphia is up against it with the school system on that problem. We must do something to meet it.

Mr. BUSIEK. Do you think that industrial education is one of the remedies?

Mr. HIATT. I believe certainly that it is far wiser to train a boy or girl to be worth \$8 a week than it is to create a minimum wage by law forcing them to be paid \$8 a week.

Commissioner O'CONNELL. What do you mean by the vanishing point?

Mr. HIATT. I mean that if you look at our school system you will peter out. Your pyramid goes very rapidly to a point.

Commissioner DELANO. You mean the boys and girls stop going to school very quickly after the compulsory age limit has been reached?

Mr. HIATT. They do.

Mr. BUSIEK. What reorganization of the elementary schools should be made, according to your investigation and study of the problem, to meet those conditions?

Mr. HIATT. May I answer one other question that comes up before that for just a moment, please?

Mr. BUSIEK. Yes, sir.

Mr. HIATT. In regard to that point of the minimum wage, we have some figures which I believe the commission would be interested in. As a matter of fact, 54 per cent of those attending our evening schools, who are employed in the day, get less than \$8 a week. Of the men so employed, 65 per cent get less than \$10 a week; and of the women and girls thus employed, 86 per cent get less than \$10 per week. So that those who enter industry early are not paid by that industry. If you wish to take that up by different industries I can give it to you.

Mr. BUSIEK. If you have got copies of those tables, will you leave them with us?

Mr. HIATT. I do not have them with me, but I can furnish them for you.

Mr. BUSIEK. If you will, please.

Commissioner DELANO. What conclusion do you have for that—what conclusion do you come to for that—if they were paid even a little more would that attract them away from the school?

Mr. HIATT. I don't know that that is true, sir. I believe the difficulty is that our industries offer a high beginning wage, but do not offer a strong development. For instance, we found out that of the 14-year-old boys and girls at work they averaged \$3.96 per week; but of the 15-year-olds they averaged only \$4.33. A year's experience meant only an increase of 37 cents per week. So that they jump to their highest wage almost at first. The skilled trades were amongst the lowest beginning wage that we have.

Girls averaged \$4.19 per week, \$4.26 per week, making a total average for all 14 and 16 year old boys and girls employed of \$4.22, which, of course, is not worth the loss that they have in their training.

Mr. BUSIEK. You seem to have copious statistics there. Will you furnish the commission with copies of those?

Mr. HIATT. With pleasure.

Mr. BUSIEK. Going back to that question of what reorganization of the present elementary school system you would recommend.

Mr. HIATT. From the experience of the public educational association, in studying the vanishing point and the working children, we would say we ought to have at least three changes; first, far more sense training in our school system to-day than we have throughout; second, somewhere in the course of study a chance for the boys and girls to try out various lines of industry. Not merely with it for job jumping when the boys go into the work, but give him a chance at scientific job jumping under the school's care. In other words, instead of offering six years of academic training and then the seventh and eighth grades of review running round in a circle and getting nowhere, change the seventh grade so that instead of having academic training there the boys and girls in that year will have a change to sample industries—a discovery year's work. The eighth grade, then, would be prevocational, not training for vocation, but giving the general elements and understanding of industry, so that the 85 per cent who go into industry will know what they are going into. Possibly embodying the high-school continuance of ninth grade and adding that into a junior high-school group.

Mr. BUSIEK. What do you recommend along the lines of establishing purely vocational schools for children in industry?

Mr. HIATT. I believe that, from our experience, practically no school has a right to try to give all the vocational training the child needs. The school can supplement with technical training, technical information, but the manipulative skill ought to be gained in industry itself. In other words, it is too expensive to create factories under our public ownership and call them schools. But we must create teaching institutions and let the children get their practice in the factories and in the shops.

Mr. BUSIEK. I believe the ideas of the many men who advocate industrial education is that the child going out in industry should get his manual experience in the factory, but that a school can teach him shop practice, for instance, and the theoretical side of his industry, and can also continue part of the general education which he or she ought to have to become a useful citizen. Is that your idea?

Mr. HIATT. If I catch your question, sir, we are not making any attack on the old type of education, except that too much time is given to academic work. The child can get, if he is really living, working in life, get all the academic work in half the time that he now is giving on his full school course. Beyond that academic work he can get vocational training, technical experience, but manipulative skill, that should be left for industry.

Mr. BUSIEK. Should there be legislation making this education compulsory upon children under a certain age?

Mr. HIATT. Certainly so. Not necessarily at the present time.

Mr. BUSIEK. Why not?

Mr. HIATT. If a law should be passed to-day, I believe that law should be so phrased that it would give cities an opportunity to create schools. For instance, we would have to, in Philadelphia, create rooms and equipment for 50,000 children, we will say, at once, of a different type from what they have to-day. That would be an unworkable task. If, however, the law is so phrased as to give the cities involved an opportunity to prepare in the way that Director King spoke of, I believe, then, that we ought by all means to have compulsory attendance on vocational schools.

Mr. BUSIEK. Do you think that a proper control of these schools could be had by a board in which representatives of employers and employees are associated with the constituted school authorities, with, however, the particular purpose of looking after the vocational end of it?

Mr. HIATT. I do not.

Mr. BUSIEK. Why?

Mr. HIATT. I believe that Wisconsin, however far ahead it may be in some things, has missed the point there. I believe that any dual control is wasteful. The one thing that I would like to stand for throughout is concentration, unit authority, but it is absolutely necessary that in the schools, labor, and industry, the employer and the employee should be represented. I would like to suggest, as a possible solution which will get away from the dual control of Wisconsin, and yet get the good that there is there, a law which will force representation on every school board in this State, from labor and from employers; then if there be vocational schools I believe that a subcommittee of the united board, with those representatives on that committee, can be charged with the duty of controlling and guiding the future of those vocational schools. You get away from the wasteful overhead charges. We have tried the thing in playgrounds in Philadelphia. They were not satisfied with the way the schools were working here. Therefore they created a State board of recreation under the mayor. To-day we find ourselves up against the proposition that playgrounds are being set clear away from our schools. A double overhead charge. It is to be hoped that the board of recreation will be absorbed into our school system so that there may be a unity. I believe the same thing ought to be true in vocational training.

Mr. BUSIEK. Right along that line, do you believe that that power which grants certificates to children now to work, and that that department that examines children going into industry, I believe you call it the State labor department—

Mr. HIATT. I think so.

Mr. BUSIEK. Do you think that their functions ought to be brought under a board that has to do with the vocational training of the children?

Mr. HIATT. This is our situation in Pennsylvania: We have here a group of children who are out of our schools, either sick or delinquent or implied or escaping our hold entirely. To me those children, their units—the same children, sick or well, delinquent or normal, we have a compulsory attendance de-

partment under the head whom you saw yesterday. We have a medical inspection bureau under an entirely different head, in an entirely different office, responsible not to this man nor to the school system, but to the department of charities and health in the city. Then we have a juvenile court and probation officers in an entirely different part of the city, entirely different officers, different heads. No correlation. Then we have just established in Philadelphia a new vocational guidance bureau, under an entirely different man, with different officers, and working on the same child. All working on the same child.

Then we have a department of labor and industry at Harrisburg trying to help this same child, police them back in the school out of industry. Then we have childrens' aid societies, societies for the prevention of cruelty to children, and a few others, including our own public education association. Personally, I believe that that is all wasteful; that if we would take up the suggestion that was made here yesterday, of the establishment of a department of child relations, which would have all five of those tasks before them, unify with one head so that every task that is performed upon a child who is not normal and in school, or the child that is leaving school to go into industry, will be under one department, we would have the best system that it is possible to develop. I know of no place that it has been done, but certainly the present system is wasteful.

MR. BUSIEK. When you establish such a department, what standard should there be?

MR. HIATT. By all means, for passing from school to industry, absolute physical health. Certainly, at least an educational standard of the fifth grade, issuance of employment certificate not as in Pennsylvania to-day. We issue the certificate in Pennsylvania to-day to the child. That certificate is his property. He can do with it as any one can do with his own property. Often he does buy and sell it. When the child gets a job, if he loses it in Pennsylvania to-day, if he loses it within two weeks after he has left school he can loaf the rest of the time because he owns a certificate. I believe the certificate should be issued not to the child but to the employer, and not until the employer promises that child a job. In other words, the child must be kept either at work or in school and not on our streets and in our alleys.

MR. BUSIEK. That is all.

Acting Chairman WEINSTOCK. Have you any questions, Mr. Delano?

Commissioner DELANO. No; thank you.

Acting Chairman WEINSTOCK. Have you any questions, Mr. Lennon?

Commissioner LENNON. No.

Acting Chairman WEINSTOCK. That is all, thank you.

MR. HIATT. I have here the results of that first investigation, if you would like to have that.

MR. BUSIEK. Leave it with us, please.

MR. HIATT. I also have a copy of the Showalter bill which was called to your attention.

Commissioner LENNON. Yes. We would like to have those.

(The papers referred to were received and marked "Hiatt Exhibits 1 to 22," inclusive.)

The exhibits referred to were submitted in printed form, and are as follows: Exhibits Nos. 1 to 5, blank forms for data concerning night-school students; exhibits Nos. 6 to 14, pamphlet entitled "The child, the School, and the Job," by James S. Hiatt, reprinted from the City Club Bulletin, December 27, 1912; exhibit No. 15, Pennsylvania house bill No. 655, by Mr. Showalter, session of 1913; and exhibits Nos. 16 to 22, pamphlet entitled "Vocational Guidance—Industrial Training for the Worker, Not the Work," by James S. Hiatt, reprinted from the Industrial Arts Magazine, April, 1914.)

TESTIMONY OF MR. JOHN H. PHILLIPS.

MR. BUSIEK. State your name, please, in full.

MR. PHILLIPS. John A. Phillips.

MR. BUSIEK. What position do you occupy?

MR. PHILLIPS. Chairman of the organization committee of the Philadelphia Typographical Union.

MR. BUSIEK. You have charge of some of the trade schools, have you?

MR. PHILLIPS. Yes, sir.

MR. BUSIEK. That are now existing?

Mr. PHILLIPS. Yes, sir.

Mr. BUSIEK. Give us the relation of the trade school instruction to trade standards. That is, how much value is there in a three or four years course in a trade school? And what credit to apprenticeship ought to be allowed a child who graduates from such a trade school?

Mr. PHILLIPS. I want to say, in beginning, that representing the unions, we have no opportunity of making a scientific study of these subjects. What we know about them is what we have learned from actual contact with conditions in the industry and with the boys themselves. We take an entirely practical view of the matter and can not be expected to present anything of a theoretical character.

The trade school, based on the idea of furnishing a complete course in any trade, is impracticable, principally for the reason that any system of education serving a purpose must be so extended as to include everybody. And, in order to establish a sufficient number of trade schools properly equipped to take care of all of the children, the expense involved would be so great that it would overwhelm us. The handiwork of a trade must be laid under shop conditions. That would mean that a school that would be efficient in teaching a trade must be so equipped as to represent conditions equivalent to shop training. For that reason we believe that any money invested in mechanical equipment, with the idea of turning out a usable product is a waste of the public money. That is the province of proper instruction of the boy, for the reason that invariably the time of the instructor is so occupied in looking after the product of the establishment that he is unable to watch the detail of the work so as to be able to properly instruct the boys.

Now, I can not see any real difference between a trade school operating under those conditions than an ordinary mercantile establishment, which is being manned by a lot of boys. In other words, I can see very little difference between that system and the exploitation of child labor.

We view that strictly from the effect of the thing as we see it, and that is our conclusion in the matter.

Statements have been made that this sort of school has produced a given number of graduates. Our knowledge of the situation is that, of the total number of boys who enter those schools, very, very few, if any, complete the course. The effect of that is to take in boys, and give them one, two, or three, or sometimes, and very, very rarely, four years of training. The boys are turned out at the end of a single year, and frequently with the idea that they are so equipped as to go in and take a job in a factory or in an establishment operating in that line of business. The effect of that, of course, is that we are constantly confronted with a large class of boys who come in competition with the men who depend upon the industries as a means of livelihood. And, in order to protect ourselves in that situation, we find it necessary to establish auxiliary organizations to our unions, that these boys, together and individually, to educate them not only along technical lines, but as to what rate of wages they should receive, and all that sort of thing. In other words, to protect, as fully as we can, the interests of the men who are depending on that business for a livelihood.

Mr. BUSIEK. That is to protect the men; what is it to do for the boy?

Mr. PHILLIPS. The boy is given probably better, more practical help than he receives in a trade school. I have here a description, a brief description of a system that is in vogue in New York City. Continuation school operated by the Hudson Guild under the direction of a board of directors representing the Hudson Guild, the Printer's League of America, the employers' association, and the New York Typographical Union. It is based on the idea of continuation education. In this description the statement is made that all the experience thus far had in the conduct of vocational schools goes to prove that they attain the maximum of usefulness when carried on as continuation schools, giving instruction supplemental to the knowledge gained in actual shop work.

Mr. BUSIEK. Is this the kind of school you advocate?

Mr. PHILLIPS. Absolutely.

Mr. BUSIEK. Explain your idea of how such a school should operate, or explain this school if it is typical of your ideas.

Mr. PHILLIPS. The way I see it, a great many boys leave school at about the age of 14. There are specific reasons for that condition, and I think frequently it is because they are so situated that they are compelled to set about earning their living. I believe that some regulation should be made that, unless a boy is leaving school to continue in some other line of educational work,

provision should be made compulsory that he attend school, a part-time school, say in the afternoon, one afternoon a week, or whatever other arrangement may be wise and desirable from an educational standpoint. I believe that, while I am not in a position to criticize the thing really on account of my lack of knowledge of educational methods, I believe that our schools, elementary schools, should so arrange their studies as not to teach so many subjects, but rather to ground the boys in the elementary subjects. The training between the ages of 14 and 16 I believe should be, if anything, a grounding in the elementary subjects, because, as I said before, it is a fair statement to say that a boy leaving school at the age of 14 expects to earn his living with his hands principally, and that consequently he needs the elementary subjects more than he does intellectual training, that is my opinion in the matter.

The continuation school is open to some objection unless it is under the direction of a cooperative commission. I mean some sort of a boss that represents the employees as well as the employers and the educators. For that reason it is only frequently made a training school for the larger establishments. Without the compulsory feature, and without the representation of the employee on the board, the training school, it seems to me, must become a training of boys for two or three large concerns that happen to find it to their interest to see that a large number of boys are trained so that their workshops can be filled up, and in a measure so that they will be free from what they call labor trouble. I think there is not any trouble in proving that statement, and I believe that in the statements made by Mr. King that there is a case in point. He stated that a vocational school was in operation in the city of York. I have a very strong impression that the machinist of the department of that school is used principally for the purpose of supplying boys to the York Manufacturing Co., thus making it possible for them to resist the demands of the machinist union for better wages and decent working conditions.

Mr. BUSIEK. What is your idea about cooperative control, as outlined by Mr. Hiatt? That is, a representation by employers and employees made mandatory under the law on the board of education proper, and then have the vocational schools administered by a subcommittee of this board embracing those means?

Mr. PHILLIPS. Well, that is probably as close as we can get to the ideal arrangement at the present time. I, of course, would insist that the representatives on the board, representatives of employees, should be members of the unions of the trade in which they are employed. The objection that exists there is the possibility of having a commission of that kind in name only. That you can say you can employ a man on there because he happens to be a workman, but that does not necessarily mean that he is in sympathy with the purpose of his appointment. That is the objection, that I don't see how we could insist that the State would employ or put union men on that board. We have not reached that stage yet. The other seems to be about as far as we can go at the present time.

Mr. BUSIEK. That is all I have.

Acting Chairman WEINSTOCK. Are there any other questions, Mr. Delano?

Mr. PHILLIPS. I would like to make a statement.

Mr. BUSIEK. You can make such statement as you wish.

Mr. PHILLIPS. I would like to state, a plan that I referred to, this Hudson Guild plan. This is the type of plan that you have been speaking about. The three-cornered direction and all that sort of thing. And they who attend this school are granted one-half day each week from their regular working time by the employer, and in return for that time they agree to attend one evening session each week. That means that the boy goes to school one afternoon and one evening during each week.

The employment of a boy as an apprentice is regulated by an agreement between the union, one of the parties, and the employers, one of the parties, and specifies just what branches of the trade in which the boy shall work during the various years of his apprenticeship. It also regulates the rate of wages the boy shall receive. It provides for probational periods after the boy is placed in the workshop, and at the end of that time a responsible committee examines the boy to see whether or not he shall be allowed to continue in that employment, or whether he will be better off in some other line of work.

I want to mention here, in answer to the statement frequently made by representatives of the employers, that the unions seek to withhold technical training, and place embargoes on apprenticeship, and all that sort of business; we have in operation, as a part of the work of our international union, a correspondence course of supplemental education. This course is operated under a

commission provided for by our organization, and is taught by experts who were formerly in the employ of the Inland Printers' Technical School, which was regarded as the very finest trade school in the printing industry. The course consists of 46 lessons and covers all of the elements entering into the printing trade. It takes in—I would like to read a page here, a brief description, if you do not object, because it would take too much time. It contains the meat of it.

Acting Chairman WEINSTOCK. Let him file it.

Mr. BUSTEK. If you will file that, copies will be furnished to the commission. (Three documents were filed and marked "Phillips Exhibits 1, 2, and 3.")

The documents referred to, extracts from the Typographical Journal relating to I. T. U. printing course, were submitted in printed form.)

Mr. PHILLIPS. Yes, sir. I want to say we have 4,300 students enrolled at the present time. We every day see examples of the effectiveness of it in men securing better situations, with better increases of salary, etc. We are teaching our own people, and I think we are teaching them in a much better manner than any of the trade schools have been able to teach them up to the present time; and I think that one of the reasons for that is a lack of sympathy on the part of the educator for the boy going into industry. I think the average teacher, if he thinks, concludes that a boy is not going to continue in school and is going to go to work, either through his own choice or by force of circumstances, he loses his interest in the boy. If we are going to do anything along educational lines we have got to get a strong push from the side representing the industry or we will not accomplish anything.

In Philadelphia we have not been able to do anything of that kind, of a co-operative character. I might state, by way of a coincidence, the trade school in printing was established in Philadelphia during 1906, at which time there were 700 members of the typographical union on strike for the eight-hour day. There is absolutely no cooperation between the industry and the employers in the schools in our own line of trade. We endeavored, after having been unable to establish some sort of connection, to use the Y. M. C. A. to establish this sort of a system. We were able to get the Y. M. C. A. to map out the course of study. We were willing to do our part, but when we put it up to the employers they couldn't see their way clear and we had to take the work up on our own account. We have been doing the best we can. Lectures have been given by expert printers, and in series; one lecture every two weeks of about an hour and a half duration. This, in connection with some little home work, they tell us has been of a great deal more profit to them in every way than the training they receive in the trade schools. The supplemental work going on, being done by the Philadelphia Trade School referred to by Mr. Ash yesterday, has some merit because it is being done along the right lines, but it brings out the objection I stated before, that unless it is compulsory it only reaches a certain class, and I believe a class in supplemental education in Philadelphia trade schools—

Commissioner O'CONNELL (interrupting). In the printing trades, I understand that is one of the principal trades taught there, are they doing commercial work of any kind?

Mr. PHILLIPS. They are doing a great deal of work for the board of education. They are doing sufficient amount of work practically to keep the boys employed in mechanical operations with the result that very little time is devoted to teaching the principles of the trade or the academic work.

Commissioner O'CONNELL. Do they take in any work outside of that which they do for the school board?

Mr. PHILLIPS. I have an impression that they do some, but I don't know under what conditions.

Acting Chairman WEINSTOCK. Are there any questions?

Commissioner DELANO. I agree with you that the school can not teach the trade, but I would like to find out from you whether if a boy at the age of 14 instead of going into industry, or at the age of 16 if that was the close of the school age, if instead of going into industry he should go into a trade high school, whether two or three years in that trade high school might not properly shorten his apprenticeship in learning a trade.

Mr. PHILLIPS. My opinion about that matter is that the trade school, mechanically equipped, is impracticable. The general proposition is impracticable.

Commissioner DELANO. I agree with you on that.

Mr. PHILLIPS. Yes, sir.

Commissioner DELANO. You do not think that what a boy would learn in two or three years should count in any way, even six months to a year, in a four years' apprenticeship, we will say?

Mr. PHILLIPS. Well, perhaps I do not clearly get the question.

Commissioner DELANO. The difficulty is that many boys, for instance, learning a machinist trade, go into a shop and are kept doing one thing?

Mr. PHILLIPS. Specialize.

Commissioner DELANO. Specialize. They never learn a trade thoroughly.

Mr. PHILLIPS. That is the purpose of our work, to avoid specialization in the industry.

Commissioner DELANO. Your suggestion is that you think that part-time work will do them some good, but you are unwilling or you do not believe that any trade school could shorten apprenticeship at all?

Mr. PHILLIPS. No, sir.

Commissioner DELANO. Or supplement it?

Mr. PHILLIPS. No, sir.

Mr. PHILLIPS. I think it has been required by the industry. I want to say the reason we are opposed to specialization is that because, if the boys are specialists, the opportunity for employment is limited; that if there doesn't happen to be work for him in that particular specialty, then he is out of work.

Commissioner DELANO. The point I was trying to get at is just the reverse of that. I think if there was not some inducement for a lad of 14 or 16 to go into a trade high school none of them would go. He must have some inducement. He must have something in the way of shortening his course.

Mr. PHILLIPS. Well, the inducement is a very practical one, because it would come in the shape of increased wages. My idea isn't so much to care for a boy between the ages of 14 and 16. I think that should be taken care of by a compulsory system of education. But my purpose is rather to suggest the idea of vocational training after the age of 16. Then the boy finds his incentive in increased wages if he becomes very adept in that particular craft. That is a very practical reward for his effort.

I want to suggest also in connection with that idea of a joint board that they should be so equipped with statistics regarding the industries as not to force a large number of boys into trades in which there is no opportunity for earning a living. I believe one of our real objections to the handling of apprentice boys is that they are frequently dragged into an already overcrowded market. As a matter of fact, one of the great difficulties we have to contend with is the oversupply of labor in the industry. I believe a better regulation of vocational direction and that sort of thing might assist in that situation and lead to constant employment.

Commissioner O'CONNELL. There isn't any objection on the part of organized labor to better equipping the boy educationally, so that he might——

Mr. PHILLIPS (interrupting). That is our purpose. It is not so much to make more tradesmen, but to make better tradesmen, more efficient tradesmen, so as to reduce the cost of production so far as possible and incidentally to reward the worker better.

Commissioner O'CONNELL. Thank you very much.

Acting Chairman WEINSTOCK. This concludes the hearing on industrial education.

At 2 o'clock the hearings will be taken up in connection with the industrial conditions and relations in the glass and pottery industries.

The hearing stands adjourned.

(At 12.30 o'clock a recess was taken until 2 o'clock p. m.)

GLASS AND POTTERY INDUSTRIES

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Mr. CAMPBELL. Yes; except one; there is one potter who is not a member of it.

Prof. BARNETT. One pottery working under the agreement that is a union pottery that is not in your association?

Mr. CAMPBELL. Yes. They were formerly members, but went out for good reasons; but they observe the rules and regulations.

Prof. BARNETT. How long has your association been in existence, since the beginning of the agreement?

Mr. CAMPBELL. Yes; a little before that. We were in existence before that agreement.

Prof. BARNETT. And you have been in existence throughout the agreement?

Mr. CAMPBELL. Yes, sir.

Prof. BARNETT. For what period of time is the agreement made?

Mr. CAMPBELL. Usually for two years. We have what we call a conference in the fall, and at that conference, why, anything that the workingmen may want to bring up, or the manufacturers, is brought there, and, having been sent previously to each side, as the case may be, a month or two before, so that they can consider it, and at that conference we endeavor to adjust the matter for two years. In the meantime, any new article that is made, or any questions arising, why, are referred to the standing committee to be adjusted.

Prof. BARNETT. Do you regard the method of having the agreement automatically expire at the end of a period as preferable to the method of having an agreement indefinite in length and capable of being taken up on notice?

Mr. CAMPBELL. Why, I think so. Of course, we are all human, and sometimes we get notions in our head, and it is just as well to have a time that we can talk them over and get them out, and have them settled in some way.

Prof. BARNETT. So that this agreement which is made, expires automatically on a certain date?

Mr. CAMPBELL. Well, you might say that it does, but we have never altogether considered it that way, because if we did not come to an agreement at that time, we passed a resolution to extend it until we did.

Prof. BARNETT. There have been times when you have had to do that?

Mr. CAMPBELL. Yes; once we had to do it.

Prof. BARNETT. Once you did not come to an agreement at the specified time?

Mr. CAMPBELL. Yes.

Prof. BARNETT. During the 10 or 12 years has there ever been any suspension in the trade on account of the inability of the two sides to come to an agreement?

Mr. CAMPBELL. No, sir.

Prof. BARNETT. There never has been?

Mr. CAMPBELL. No.

Prof. BARNETT. How are the members of the conference committee, which makes the group, appointed?

Mr. CAMPBELL. Why, each side appoints their own. The members of the sanitary potters' association appoint their members, and I think the others elect theirs by vote.

Prof. BARNETT. But on your side, is there any preliminary meeting of the entire association before the conference?

Mr. CAMPBELL. Yes; we meet and have several meetings and go all over the questions asked by the representatives of the other side, and go over those we want to put up on our part.

Prof. BARNETT. Do you instruct your conferees?

Mr. CAMPBELL. Why, usually every potter is represented at this conference.

Prof. BARNETT. I mean, do you instruct the conferees who go to make the agreement—

Mr. CAMPBELL (interrupting). Yes, sir.

Prof. BARNETT. Does the general meeting instruct the conferees that are to go to the conference as to what they shall do and what they shall not do?

Mr. CAMPBELL. No; the usual method is that practically one on each side does most of the talking, and we adjourn from time to time, and then among ourselves go over the whole question.

Prof. BARNETT. These conferees, then, have full power?

Mr. CAMPBELL. Yes.

Prof. BARNETT. They do not have to refer back to the general conference?

Mr. CAMPBELL. No.

Prof. BARNETT. How many conferees are there, usually?

Mr. CAMPBELL. I say that pretty near every pottery in the business is represented.

Prof. BARNETT. Oh, at the conferences they are represented there, too?

Mr. CAMPBELL. Yes, sir; but on some occasions we have acted by appointing a committee for certain things, and the committee, of course, has full power. They do not have to report back. Whatever agreement they enter into is satisfactory and is settled.

Prof. BARNETT. Now, during the period between these conferences, did I understand you to say there are six of that committee?

Mr. CAMPBELL. Yes, sir.

Prof. BARNETT. What are those six?

Mr. CAMPBELL. Three manufacturers, three workmen, and one is chairman.

Prof. BARNETT. What is the work of that committee?

Mr. CAMPBELL. In case disputes arise at the potteries and they can not be settled among themselves, they are referred to this standing committee. Any new article in the industry, the price for which can not be fixed at the plant, is sent to the standing committee for them to finally settle the matter. And they finally take up these questions, or sometimes a question of dispute in regard to the interpretation of the agreement might arise; and in a good many cases the conference does not settle all of these questions, but they are referred to the standing committee to be adjusted by them, and whatever action the standing committee takes is final.

Prof. BARNETT. What are the chief classes of questions that come up to your standing committee?

Mr. CAMPBELL. You know, or perhaps you do not, but you are getting pretty familiar with this line of business, that they make their goods from the kiln and not from the hand. In other words, if defects develop after firing these goods, if it is shown that it is the fault of the potter, he has to make another piece for that. And the questions that most frequently come up to the standing committee, are the questions as to whose fault it is as to certain defective articles. In other words, the responsibility for that, whether the manufacturer is responsible for that in the firing or whether the workman is responsible for it because of careless workmanship on his part. A good deal of our time is taken up in the settling of questions of that character. Of course, it is to the interest of the workmen to narrow this liability to the very lowest point; and, naturally, it is to the interest of the manufacturer to see that that is not done. Now, so far as this making good from the kiln is concerned, why, it is more in the principle—in what we save by the method—than the mere fact that we get a few pieces made over again. It makes the men more careful in making the work and we believe it results in better workmanship all around.

Prof. BARNETT. Is this standing committee working satisfactorily? Do you find any tendency on the part of the local unions and the employers to send up subjects for consideration which they ought to settle among themselves?

Mr. CAMPBELL. Oh, undoubtedly; there are a lot of questions that ought to be settled at the factory; but, naturally, if a man has a right to appeal he usually avails himself of it.

Prof. BARNETT. So the number of appeals tends to increase?

Mr. CAMPBELL. Tends to increase.

Prof. BARNETT. Has this increased number of appeals tended to make the work of the standing committee at all burdensome?

Mr. CAMPBELL. Well, I should say a little so, yes; because we never intended that disputes over single pieces of ware, and things of that kind, should come up to the standing committee. Originally, that committee was to settle questions of greater importance, and something that would be a rule for the trade at large. But it has gradually grown so that almost any dispute of any importance is sent up to the standing committee.

Prof. BARNETT. Do you, or have you, ever considered the adoption of any other method of settling these interpretation differences than that of having the whole standing committee pass upon them? Do you ever delegate them to a part of the committee?

Mr. CAMPBELL. Yes; we frequently delegate them to one from each side, to go and settle the matter up; and, as a general proposition, that has worked out. But I think that we shall probably get an intermediary between the potter and the standing committee to take up these smaller questions and to settle them.

Prof. BARNETT. Have you thought at all about what kind of an intermediary would serve the purpose best?

Mr. CAMPBELL. Well, it would be a court built upon similar lines to those of the standing committee.

Prof. BARNETT. That is, just a committee of two people?

Mr. CAMPBELL. Yes, sir.

Prof. BARNETT. You don't feel that the questions would be of such a kind that there would be any place for an arbitrator or mediator?

Mr. CAMPBELL. We never had to have an arbitrator or mediator. We just keep on talking about these subjects until we arrive at some conclusion. Sometimes it takes a little while to do that, and a number of sessions; but we have generally found a way out of it.

Prof. BARNETT. And you think probably if you had two people to settle it for you, they would be able to settle in the same way?

Mr. CAMPBELL. Oh, I think so.

Prof. BARNETT. Have there been any complaints about delay involved in settling these questions?

Mr. CAMPBELL. Yes, sir. Naturally, everybody wants his matter settled right away.

Prof. BARNETT. Have you any rule about dating back the settlement? I mean, if a man is making a particular piece and the price of it goes up to the standing committee, I suppose the remuneration as to that would date back.

Mr. CAMPBELL. Date back to the date of the protest.

Prof. BARNETT. There are questions which come up to the standing committee where there would be interpretations which it would not be possible to give recompense for in the way of back time if there is delay, are there not?

Mr. CAMPBELL. I don't know of anything that would involve money.—

Prof. BARNETT (interrupting). Suppose a man, for example, were discharged. I don't know whether you have that in the pottery trade as a question—suppose a man were discharged and he claims he was discharged because of his activity in the union. Do you ever have causes of that sort?

Mr. CAMPBELL. Why, I don't think we have had many of those in recent years.

Prof. BARNETT. I mean, would you give him remuneration for the back time if you found he had been discharged for that reason?

Mr. CAMPBELL. I don't think we ever had a case of that kind. As a matter of fact, we have an agreement that we can discharge a man by giving two weeks' notice, and he is to give us two weeks' notice when he leaves. That is due to the fact of the character of the work we are performing, and it seems to be a fair way of handling the subject. But if a man is discharged, and they think without reason, they can get it acted on at any time and bring it to the committee.

Prof. BARNETT. But if they could not reach a conclusion at once, the man may be out of work for some time.

Mr. CAMPBELL. The question has never been raised.

Prof. BARNETT. Has this delay ever led to delay in the settlement of these minor difficulties; that is, a difficulty under the agreement; has the delay ever led to a strike?

Mr. CAMPBELL. Not that I recall; no, sir.

Prof. BARNETT. You never have any strikes?

Mr. CAMPBELL. Why, once in a while some of the men may quit at one pottery for two or three days. They may take the bit in their teeth, but they are ordered back to work, and the matter is adjusted.

Prof. BARNETT. You have never had any cases in which the men have quit because they claimed there was delay in the standing committee in settling the matter?

Mr. CAMPBELL. I don't know what reason is always given for quitting; sometimes one thing and sometimes another. But we very seldom find much difficulty of that kind, and it is only a matter of a few days when the men are ordered back to work by their organization; because, as I say, the very first principle in our arrangement is that we are to have no strikes or lockouts, and the officials of the unions recognize this and order them back to work in a few days.

Prof. BARNETT. You have found that the organizations observe this agreement?

Mr. CAMPBELL. Yes; we have found them to keep their agreements quite as well as the manufacturers do.

Prof. BARNETT. Is the association open to any manufacturer of sanitary pottery ware who wishes to join?

Mr. CAMPBELL. Yes, sir.

Prof. BARNETT. And the only man who is not in it is the man who prefers to stay out?

Mr. CAMPBELL. Yes; that observes the scale of prices and wages and terms.

Prof. BARNETT. Yes; that is what I mean. The only man who observes the union scale. Have you any method of disciplining the members of your association, provided they do not observe the terms of the agreement?

Mr. CAMPBELL. Why, we accept their resignation.

Prof. BARNETT. Have you ever had to accept the resignation of a member of the association for not living up to the terms of the agreement?

Mr. CAMPBELL. We had one case; yes, sir.

Prof. BARNETT. Does that involve any disadvantage to the manufacturer? In other words, is there any advantage to him to belong to your association?

Mr. CAMPBELL. Well, if he retires because of the fact that he is dissatisfied with some of the terms of the agreement, that would have some bearing on it.

Prof. BARNETT. So the advantage of the manufacturer is that you will look after him in his relations with—

Mr. CAMPBELL. (Interrupting). We treat him the same as the rest of us; we are all on the same level. If he has any grievance, he can bring it up to the committee for adjustment.

Prof. BARNETT. And you will take it up with the union?

Mr. CAMPBELL. Yes, sir.

Prof. BARNETT. Does the association have any other functions—a credit bureau or anything of that kind?

Mr. CAMPBELL. There is a credit bureau attached to it, although all the members of the association do not avail themselves of the credit bureau.

Prof. BARNETT. Do you have any strike insurance—for example, these local strikes—if the men are out on a strike in any one place and he is put to inconvenience, would you pay him anything?

Mr. CAMPBELL. No.

Prof. BARNETT. Would you send him men?

Mr. CAMPBELL. We have never had to. As I say, we simply notify the operatives that these people are out in violation of their agreement, and request them to order them back to their work, and they usually do it.

Prof. BARNETT. So you have no arrangements for furnishing men?

Mr. CAMPBELL. No, sir.

Prof. BARNETT. No engagements with people like the National Founders' Association?

Mr. CAMPBELL. No, sir.

Prof. BARNETT. How are your wages fixed—by piece rates or time rate?

Mr. CAMPBELL. Piecework.

Prof. BARNETT. Any restriction of the output?

Mr. CAMPBELL. The restriction of the output is put on by the operators themselves, and not by us.

Prof. BARNETT. What is the restriction?

Mr. CAMPBELL. Well, they restrict them to so many pieces.

Prof. BARNETT. That is, a man makes so many pieces a day?

Mr. CAMPBELL. Yes, sir.

Prof. BARNETT. Did you agree to that in the agreement?

Mr. CAMPBELL. No, sir.

Prof. BARNETT. It is purely a union rule?

Mr. CAMPBELL. It is purely a union rule.

Prof. BARNETT. Do you approve of that restriction—do you think it is a good thing?

Mr. CAMPBELL. Well, no, we don't altogether, because, of course, there are times when the business is very brisk that we would like to have more goods made and do not get them made; but I presume that they think it is for their good, so we have never raised much objection to it.

Prof. BARNETT. Are there any other rules of the union which concern you which you comply with without being injured more than by this rule on the restriction of the output? How about apprentices—do you agree to that?

Mr. CAMPBELL. We agree to that.

Prof. BARNETT. Is there any other rule of the union outside of the internal regulations of the union which apply to your industry which are not agreed to in the agreement—

Mr. CAMPBELL. (Interrupting). They don't occur to me at present. But I don't know what the union has in its rules.

Prof. BARNETT. You don't know of any?

Mr. CAMPBELL. No.

Prof. BARNETT. Or recall any?

Mr. CAMPBELL. No, sir; they undoubtedly have some rules and try to put them in effect, but as it is not agreed to by us, the matter is generally dropped.

Prof. BARNETT. The general principle or general understanding is that only those rules which you agreed to at the conference are to be enforced in the trade?

Mr. CAMPBELL. Yes, sir.

Prof. BARNETT. That is, the union does not reserve any right to enforce rules not agreed to?

Mr. CAMPBELL. No.

Prof. BARNETT. Have you a closed shop?

Mr. CAMPBELL. No, sir.

Prof. BARNETT. Do you know whether some of the men are nonunion men?

Mr. CAMPBELL. No; but if any, very few. The question has never been pressed. It is not mentioned in the agreement, but I presume most of the men are members of the National Brotherhood of Potters; but there are very few who are not.

Prof. BARNETT. Your members of your association have never been asked to discharge a man because he did not belong to the National Potters' Association?

Mr. CAMPBELL. No.

Prof. BARNETT. So that if it is a closed shop it is enforced entirely by the union?

Mr. CAMPBELL. Yes, sir.

Mr. BUSICK. That is all, Mr. Weinstock.

Acting Chairman WEINSTOCK. Mr. Delano, have you any questions?

Commissioner DELANO. Mr. Campbell, I wanted to ask you a few questions.

How many employees are involved in your trades?

Mr. CAMPBELL. I should say in the neighborhood of 50,000, all told, every kind.

Commissioner DELANO. How many manufacturers?

Mr. CAMPBELL. Well, there are in the neighborhood of—I would say potteries. That would be the best term, because some involve two or three—about 26.

Commissioner DELANO. In the crafts are there many subdivisions to that craft, or is it all—

Mr. CAMPBELL (interrupting). Yes, sir; there are quite a few subdivisions.

Commissioner DELANO. But they all belong to one union?

Mr. CAMPBELL. Yes, sir. They have their own locals, as they call them.

Commissioner DELANO. As a matter of fact, how often does your committee have to meet to—

Mr. CAMPBELL (interrupting). Usually once a month.

Commissioner DELANO. Not oftener than that?

Mr. CAMPBELL. No, sir.

Commissioner DELANO. You mean one day—

Mr. CAMPBELL (interrupting). One night. For instance, we had a meeting last night that occupied three hours. That would give you an idea. But we meet about once a month; sometimes oftener, if a case of emergency arises.

Commissioner DELANO. This commission has had considerable evidence before it as to how committees of this kind should be constituted, some favoring a committee with an odd man, who should act as umpire, and some favoring an equal numbered committee. I judge from your experience you prefer the even number?

Mr. CAMPBELL. Well, it seems to have worked out all right in our case. That is the only thing we can go by, is experience.

Commissioner DELANO. That is, you have been working under it 14 years? Is that right?

Mr. CAMPBELL. Fourteen years; yes.

Commissioner DELANO. And you have never had a serious deadlock?

Mr. CAMPBELL. No, sir. We have had numerous strikes that could not be decided right away, but we have ultimately found some solution of the problem.

Commissioner DELANO. As a matter of fact, do you think that an equal number on each side are more likely to try to work out an understanding than if there is an odd man they can shift the responsibility upon?

Mr. CAMPBELL. Well, that, of course, depends a good deal on the character of the people who are composing the committee. An agreement of this kind depends upon the people—

Commissioner DELANO. Personally?

Mr. CAMPBELL. The personal equation enters into it.

Commissioner DELANO. Have you been sitting on this committee the whole 14 years?

Mr. CAMPBELL. I have been chairman of it all that time; yes, sir.

Commissioner DELANO. Well, has the committee changed in that time much, or is it practically the same organization?

Mr. CAMPBELL. The manufacturers' side of the committee has only changed three times. Otherwise it has remained the same. The workmen's committee has changed, because of change of methods of voting and—

Commissioner DELANO (interrupting). The longer a man studies that class of work, the better results he gets out of it?

Mr. CAMPBELL. Yes. The better he is qualified and the more readily he sees the other man's point of view, too, in those discussions, as he gets more experience.

Commissioner DELANO. Mr. Campbell, has this agreement that you have had in effect had the effect of increasing wages or improving conditions in the trade?

Mr. CAMPBELL. Yes, sir; I think so.

Commissioner DELANO. Has that been brought about by greater efficiency and improved methods, or has it been charged to the consumer in the price of the goods?

Mr. CAMPBELL. Well, I think the consumer is getting his goods, probably to-day as cheaply as he ever got them. I don't think we have the loss in bringing the goods through that we used to have.

Prof. BARNETT. So there has been increased efficiency?

Mr. CAMPBELL. Yes; and we make a better class of goods to-day than we ever made, and I think we make them with less loss.

Acting Chairman WEINSTOCK. Mr. O'Connell?

Commissioner O'CONNELL. No.

Acting Chairman WEINSTOCK. Have you any questions, Mr. Lennon?

Commissioner LENNON. What would be the value of a single piece of pottery that would be appealed to your standing committee from a local kiln?

Mr. CAMPBELL. As to that, you must remember—

Commissioner LENNON. How much would the workman have involved?

Mr. CAMPBELL. It is not a mere matter of dollars and cents. He would have—it might run anywhere from a dollar to four dollars, or five; but it is not merely that; it is usual that they claim there is more to be involved in it, and that things of this character should not be charged to them; and it involves not only this piece but a good many others along with it. I don't think there would be much trouble in settling the single piece, if just the question of a few dollars was involved in it; but the trouble is in the discussion here comes the fact that it carries along with it others. Therefore, they prefer to have some stable body make a decision in the matter.

Commissioner LENNON. Have the hours of labor been lessened any during the period of this agreement?

Mr. CAMPBELL. Well, the hours of labor for all the skilled men is supposed to be eight hours, but I think some of them do not work quite eight hours, because they are pieceworkers and privileged to leave when through.

Acting Chairman WEINSTOCK. I understood you to say, Mr. Campbell, that these trade agreements have been in operation for 14 years?

Mr. CAMPBELL. Well, yes; 13 or 14 years.

Acting Chairman WEINSTOCK. What were the conditions before the trade agreements were entered into?

Mr. CAMPBELL. We had some disastrous strikes lasting about five months. The last one, however, was about at the time of the introduction of the Wilson bill, and the old method was to post a notice in the shops of a reduction, which, of course, always precipitated a strike, and at the time this bill was introduced it cut the tariff very materially, so we posted a notice of a sliding scale. We did not know what the reduction would be, but we posted the notice accordingly, so when the bill went into effect there was a strike at once, and it lasted about five months.

Acting Chairman WEINSTOCK. How many members are there in your organization?

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Mr. CAMPBELL. We have, of course—there is some of us representing a number of potteries; that is, there is only one or two—but I suppose in the organization as such there are about 14 members.

Acting Chairman WEINSTOCK. Fourteen members?

Mr. CAMPBELL. But they represent a good many potteries.

Acting Chairman WEINSTOCK. Those 14 members represent about how many workers?

Mr. CAMPBELL. I should think they represent possibly somewhere between 2,500 and 3,000, maybe more.

Acting Chairman WEINSTOCK. And what proportion of the entire industry in this part of the country does that membership represent?

Mr. CAMPBELL. Well, it represents practically all of them in this section of the country engaged in the manufacture of sanitary ware. Of course, we do not make dinner ware. There is a much larger number in that than in the sanitary.

Acting Chairman WEINSTOCK. As a matter of choice, Mr. Campbell, which of the two conditions do you prefer—the conditions under which you have been operating for the 14 years, or the conditions prevailing prior to that?

Mr. CAMPBELL. I think the fact that we have continued 14 years this way speaks for itself. We prefer the conditions, rather than the chaotic conditions before. You must remember, in a pottery, one man like a dipper, who dips the glaze and puts the glaze on the work, may go out and hold a plant up two or three weeks, which has been the case before.

Acting Chairman WEINSTOCK. Isn't it true, Mr. Campbell, that under the old conditions you, as an employer, had much wider liberty than now; you were supreme and could dictate and determine any conditions without consulting labor; but now you are, in a measure, strait-jacketed, let me call it; you can not make a move without consulting labor, and to that degree you have given up a part of your liberty. Has the result justified you in giving up part of your liberty?

Mr. CAMPBELL. Well, of course, that statement of yours will have to be modified a little. While you might be entirely independent, at the same time you were certainly in hot water a good portion of the time.

Acting Chairman WEINSTOCK. You had hot-water independence, was it?

Mr. CAMPBELL. You paid for your independence.

Acting Chairman WEINSTOCK. It was a sort of hot-water independence?

Mr. CAMPBELL. Yes; that is quite correct.

Acting Chairman WEINSTOCK. And you would rather give up part of your liberty and conserve the rest than to have all liberty and have chaos?

Mr. CAMPBELL. Yes. I could give you one instance where a whole plant was held up four weeks, everybody, because the dipper and the foreman had some altercation, and the dipper referred to his union, and the dipper told the union to go to Hades. The result was that the man dropped his work and quit; and they could not get another dipper in his place, and the result was the plant was held up for three or four weeks. That is under the old method.

Acting Chairman WEINSTOCK. Well, there are some employers I have met, and you also have met, Mr. Campbell, doubtless, who take the ground that since they furnish the work they ought to be the sole arbiters as to what that work is worth to them, that labor is not entitled to a voice in fixing the value of his labor. What would be your comment on such an attitude?

Mr. CAMPBELL. Well, I can only comment in this way, that at these conferences we have always had a court stenographer present to take down everything said, and I think that is one thing that has contributed to the fact that we have always had pretty good men on the committee. And one of them is now Judge in New Jersey. He was a court stenographer for six years. He said that was one of the most interesting positions he ever occupied, and when he went on the bench it was the one thing he gave up with regret, because he noticed how each side had gradually come closer together, and had come to respect the point of view of the other, and I think that that will pretty near answer your question.

Acting Chairman WEINSTOCK. Mr. Schwacke, who, as you know, is president, I think, of the manufacturers' association, one of the manufacturing associations here, who was a witness on the stand yesterday morning, were you here then?

Mr. CAMPBELL. No; I was not.

Acting Chairman WEINSTOCK. Among other things he made this statement, and I should be glad to know whether your experience as an employer and as a member of an employers' association is in harmony with what he tells us is

his experience. Let me, for your information, read that part of his testimony. This is the testimony:

"Acting Chairman WEINSTOCK. There are those, Mr. Schwacke, who take the ground that the best way of establishing industrial peace is, first, by mutual organization; by the workers being thoroughly and intelligently organized, and by the employers being thoroughly organized; then by each body recognizing and dealing with the other body, and by establishing trade agreements. Now, do those ideas harmonize with your views as to the best way of establishing industrial peace?

"Mr. SCHWACKE. No, sir; I do not think that is good or sound.

"Acting Chairman WEINSTOCK. You do not?

"Mr. SCHWACKE. No, sir.

"Acting Chairman WEINSTOCK. Will you be good enough to give the commissioners the reasons why you do not agree?

"Mr. SCHWACKE. I agree with both Mr. Barba and Mr. Johnson, who gave evidence yesterday, that organization among employees tends to level, to bring all down to a common level. I believe that the great advance of this country industrially has been due, almost entirely, to the wonderful individuality of the American workman, his resourcefulness, which the foreign workman, for instance, does not possess, and due very largely to the absence in this country of the strength of what is commonly called unionism. The employers in this country did not begin to organize until many years after their employees had organized, and the employers of this country would not organize to-day were it not for certain tendencies in organized labor which they were forced to combat by organization. We have never, as a company, our own company has never been favorable to entering employers' organizations, and we did not do so until the very last moment.

"Acting Chairman WEINSTOCK. You believe, then, that it is wise for the employers to organize?

"Mr. SCHWACKE. No, sir. Under present conditions, I do; yes, sir.

"Acting Chairman WEINSTOCK. Of course, in your experience as an employer of many years' standing, you have found two kinds of workers, haven't you; that is, you found the worker who gives a fair day's work for a fair day's pay, and you have also found the other workers who give an unfair day's work for a fair day's pay?

"Mr. SCHWACKE. We have unfortunately found that class of workmen.

"Acting Chairman WEINSTOCK. I take it that you will also agree that there are not only fair workers and unfair workers, but there are also fair employers and unfair employers?

"Mr. SCHWACKE. I do.

"Acting Chairman WEINSTOCK. I suppose that you quite agree with Mr. Barba yesterday, who gave it as his opinion, that it is the unfair employer who sets the pace, just as the European employer or manufacturer sets the pace for the American manufacturer, the unfair American manufacturer sets the pace for the fair American manufacturer?

"Mr. SCHWACKE. I agree with that. He attempts to.

"Acting Chairman WEINSTOCK. How would the worker, individually, in your opinion, protect himself against the unfair employer who tried to exploit him?

"Mr. SCHWACKE. We would have no objection, Mr. Commissioner, to organization among employees, if they did not attempt to assume conditions to which they are not entitled as employees, and if they did not attempt to force those of their fellow workers who are not in accord with their views to accepting their views, or making their condition in the shops so uncomfortable that they could not stay. Now, those are the elements against which the reasonable employer objects in organized labor.

"Acting Chairman WEINSTOCK. That is, the thought is this, that organized labor is apt to become tyrannic and despotic and unreasonable?

"Mr. SCHWACKE. Yes, sir.

"Acting Chairman WEINSTOCK. Well, now, if the plan that I stated was advocated by some, if the plan of labor being organized on the one hand and employers being organized on the other hand, and the two agreeing to settle their disputes through trade agreements by arbitration, would not that hold the unfair in restraint on both sides effectively, just as it has in my own city of San Francisco?

"You doubtless are more or less familiar with conditions there in the metal trades. They have a metal trades association and they have an iron trades

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council. Those two bodies recognize each other and deal with each other. They enter into trade agreements, usually running over a series of years. Just at this time they are negotiating for a new agreement, the old one having expired. They have a grievance committee, to whom both sides can appeal. This grievance committee must investigate and adjust, and if they can not adjust the whole matter must be submitted to arbitration, and there can be no strike or lockout. I am told by members of both sides that through the medium of their grievance committee, through the medium of that mutual understanding, through the medium of that mutual trades agreement, they have many times saved possible war, and I have had the largest employer in San Francisco, the president of the Union Iron Works, say that his experiences with organized labor have been exceedingly cordial and friendly; they have no complaints to make; they understand each other perfectly, and when they fail to understand each other, these committees would adjust their differences. Now, is there any better way that can be suggested than the way that has been outlined? If so, we would be very glad to hear it.

"Mr. SCHWACKE. Well, I suppose as long as human nature is as it is there will always be difficulties and differences between two bodies—that is, between the employer and the employee. But my understanding of the San Francisco situation for many years has been that it was the most deplorable condition in the metal trades that existed in the United States, and I have been told in years past, and not so very long past, at that, that if the people in the metal trades on the Pacific coast could get out of it safely they would be very glad to do so.

"Acting Chairman WEINSTOCK. Well, I have no doubt, Mr. Schwacke, that that may be the sentiment of some of the employers, but seemingly it is not the sentiment of the largest employers, who give it as their experience that the arrangement is satisfactory."

Now, will you tell us in how far your experience and your observations would lead you to agree with Mr. Schwacke in his point of view?

Mr. CAMPBELL. Well, of course, I can not speak for other industries. I only am familiar with our own, and the arrangement that we have, I believe, is the best that we can get under all the conditions, and the most satisfactory.

Acting Chairman WEINSTOCK. Have you found that labor has respected its agreement?

Mr. CAMPBELL. Quite as well as the manufacturers have respected theirs.

Acting Chairman WEINSTOCK. Quite as well as the manufacturers have?

Mr. CAMPBELL. Yes.

Acting Chairman WEINSTOCK. Have you found organized labor, in dealing with it, to be despotic and tyrannical and unreasonable?

Mr. CAMPBELL. No; not the ones we have.

Acting Chairman WEINSTOCK. You have not?

Mr. CAMPBELL. No, sir.

Acting Chairman WEINSTOCK. So that on the whole, I take it, that if we were to ask you for a general remedy for industrial disputes, I judge from your answers, that you would suggest mutual organization with trade agreements?

Mr. CAMPBELL. I think they do away with a great deal of difficulty, and I do not see why they should not work. They work well with us.

Acting Chairman WEINSTOCK. Do you know of any still better plan?

Mr. CAMPBELL. No, sir; I do not. If I did, I would do all I could to have it adopted in our own industry.

Acting Chairman WEINSTOCK. That is all; thank you.

(Witness excused.)

TESTIMONY OF MR. FRANK H. HUTCHINS.

Prof. BARNETT. Will you give the reporter your full name and your address?

Mr. HUTCHINS. Frank H. Hutchins, Trenton, N. J.

Prof. BARNETT. Mr. Hutchins, what is your connection with the Brotherhood of Operating Potters?

Mr. HUTCHINS. First national vice president.

Prof. BARNETT. How long have you been first national vice president?

Mr. HUTCHINS. Fifteen years.

Prof. BARNETT. Fifteen years?

Mr. HUTCHINS. Yes.

Prof. BARNETT. What are the duties of the first national vice president?

Mr. HUTCHINS. Well, I am located in Trenton, N. J., and have supervision of the sanitary branch of the potting industry.

Prof. BARNETT. The potting trade is divided into two branches, is it?

Mr. HUTCHINS. Well, not in particular; but there being more sanitary potters in the East than in the other parts of the country, why, it was necessary to locate a permanent office there.

Prof. BARNETT. I mean the business of—the pottery business is divided into two grades?

Mr. HUTCHINS. Yes.

Prof. BARNETT. What are those classes—the sanitary and——

Mr. HUTCHINS (interrupting). And the other is the general ware—table and toilet ware.

Prof. BARNETT. What part of the workers of the sanitary potters of the United States are members of your union?

Mr. HUTCHINS. What part of the works?

Prof. BARNETT. What part, well, yes, of the workers in the potteries—in the sanitary potteries?

Mr. HUTCHINS. Well, until recently they made sanitary ware by only one process, and it required skilled men, and all the workers that followed that trade were members of our organization. Recently they have attempted to manufacture it by a casting process, and it does not require skilled men; at least they are experimenting with the casting process, and they say it does not require skilled men; and those men are not members of our organization.

Prof. BARNETT. Does your union have jurisdiction over the workers in potteries?

Mr. HUTCHINS. Yes.

Prof. BARNETT. Unskilled and skilled alike?

Mr. HUTCHINS. If they are members of our organization or not? Unskilled workers are not members of our organization.

Prof. BARNETT. You do not have unskilled workers?

Mr. HUTCHINS. Oh, yes.

Prof. BARNETT. Any man working in a pottery can come into your union?

Mr. HUTCHINS. Yes.

Prof. BARNETT. Part of the unskilled workers are members?

Mr. HUTCHINS. Yes.

Prof. BARNETT. Does your union provide a wage scale for unskilled workers?

Mr. HUTCHINS. No; they are usually working day wage, and local conditions usually control that wage.

Prof. BARNETT. Well, do your local unions take up that wage?

Mr. HUTCHINS. No; because this is only labor; the unskilled workers in the potteries are laborers.

Prof. BARNETT. Yes.

Mr. HUTCHINS. Some few girls who work in the warerooms, and that work is done on a piece-price basis, so many girls allotted to do the work. If 5 girls do it, why, they might get \$30, \$6 apiece; if 10 girls do the same amount of work they would only get \$3 apiece; so it is regulated according to the number of girls employed to do that particular amount of work, and they clean the ware as it comes from the kilns or act as inspectors.

Prof. BARNETT. Well, your union, then, does not offer any advantage in the form of wage scale for the unskilled workers around the potteries? There is no point in their joining with your union, is there?

Mr. HUTCHINS. No; in the sanitary work there are very, very few unskilled.

Prof. BARNETT. What percentage of them are unskilled and what percentage of them take a tip per pottery; you know what that is better than I do? What part of the work would be covered by your scale?

Mr. HUTCHINS. Our scale, possibly, 95 per cent.

Prof. BARNETT. Ninety-five per cent; so the other 5 per cent would have to look out for themselves under a system of individual bargaining, do they?

Mr. HUTCHINS. Yes.

Prof. BARNETT. Collective bargaining would be a good thing for them, would it not, just as good as for the others, you think?

Mr. HUTCHINS. I suppose so.

Prof. BARNETT. What is the objection to effecting a scale for them?

Mr. HUTCHINS. Well, that labor does not remain with the pottery very long. It works there a couple of days and then drifts off to some other place. They are not permanently engaged in that industry.

Prof. BARNETT. Might they not stay permanently if they paid a wage scale that was a little better?

Mr. HUTCHINS. Well—

Prof. BARNETT (interrupting). Why do they drift off, I mean?

Mr. HUTCHINS. They don't have work enough for them.

Prof. BARNETT. You mean the work fluctuates considerably?

Mr. HUTCHINS. Yes; they draw a kiln to-day and possibly would not have another kiln to draw for several days, and meantime they go off and get a job some place else, and if they get three or four days' work they don't return to draw that other kiln.

Prof. BARNETT. So that the work, you think, is so fluctuating in character that they could not very well be organized?

Mr. HUTCHINS. Well, not under those circumstances; no. Where they do have sufficient amount of that kind of work, why, they are organized; in the general-ware potteries they are.

Prof. BARNETT. Yes.

Mr. HUTCHINS. They are organized, and we have a scale for them in the general pottery trade.

Prof. BARNETT. The unskilled workers?

Mr. HUTCHINS. Yes; but being so few of them employed in the sanitary-pottery works, why, we have never attempted to do anything with it.

Prof. BARNETT. But you think it would be a good thing for them to be organized, don't you?

Mr. HUTCHINS. Yes; I think it would be a good thing.

Prof. BARNETT. And you would like to see your union, if possible, extend the organization?

Mr. HUTCHINS. Yes.

Prof. BARNETT. And you would like to see your union, if it were feasible, extend the organization?

Mr. HUTCHINS. Yes, sir.

Prof. BARNETT. Your union is not committed to the policy of restricting its membership to skilled workmen?

Mr. HUTCHINS. No, sir. We have quite a number of unskilled people in our organization.

Prof. BARNETT. So your union would not be open to the criticism which is directed against the Industrial Workers of the World?

Mr. HUTCHINS. No, sir. I suppose, strictly speaking, we are as much of an industrial organization as you can find.

Prof. BARNETT. So you do take unskilled workmen?

Mr. HUTCHINS. We do.

Prof. BARNETT. In the sanitary trades, you have not been able to extend it to them?

Mr. HUTCHINS. We have never heard those people express a desire, and they are able to take care of themselves, at least they think so.

Prof. BARNETT. Mr. Hutchins, you heard the testimony which has just been given. Those who come to this conference at which agreements are made. How are the representatives of the union appointed?

Mr. HUTCHINS. Why, sometimes appointed and sometimes elected.

Prof. BARNETT. What do you mean by sometimes?

Mr. HUTCHINS. Well, the convention from time to time changes the manner in which the representatives at a conference are to be selected.

Prof. BARNETT. When they are to be appointed, who appoints them?

Mr. HUTCHINS. The national president.

Prof. BARNETT. When they are elected they are elected by the local unions?

Mr. HUTCHINS. The executive board designates which branch of the trade is to have representation on the conference committee, and which local is to have representation. Of course, when I say branch of the trade, that practically designates the local, because each branch of the trade is in a local branch. The union elects the delegates.

Prof. BARNETT. So that if a man were an especially good man for conference and did not happen to belong to that local union he could not go to the conference?

Mr. HUTCHINS. Nobody who works in the pottery industry that is not a member of our organization has any such influence on the trade; he is not considered.

Prof. BARNETT. Suppose, for example, there were a man who had been especially skillful in conference work in previous years, you understand?

Mr. HUTCHINS. Yes, sir.

Prof. BARNETT. Whose judgment was sound enough, if he did not happen to be a member of the local union which was designated; that is, if his local union did not happen to be designated it would not be possible for his fellow-men to elect him?

Mr. HUTCHINS. That would be so if he was not designated, but we have always taken good care that we have a good representation from all parts of the country and from all branches of the trade.

Prof. BARNETT. You designate local unions then because a certain man is in that local union whom you want to go to the conference?

Mr. HUTCHINS. No, sir. We designate the local union because we think that particular pottery, the pottery located in that particular district or some particular local union should have that representation.

Prof. BARNETT. I see. Do these representatives—are these representatives instructed by the convention?

Mr. HUTCHINS. By the convention?

Prof. BARNETT. Yes, sir.

Mr. HUTCHINS. No, sir.

Prof. BARNETT. They are not instructed as to what they are to ask for?

Mr. HUTCHINS. No, sir.

Prof. BARNETT. They have no instructions?

Mr. HUTCHINS. No, sir. Nothing other than the propositions that are submitted.

Prof. BARNETT. What are those propositions?

Mr. HUTCHINS. Those propositions are the resolutions that are sent into the convention and adopted by the convention and sent up as propositions to the manufacturers.

Prof. BARNETT. They are instructions to the conferees, aren't they?

Mr. HUTCHINS. Only in so far as the convention recommends the adoption.

Prof. BARNETT. Let us take a typical case. Suppose some local union sent in a proposition that you should ask for an increase of a certain kind of work and that was adopted by the convention, then that would be an instruction for your conferees?

Mr. HUTCHINS. To ask for it.

Prof. BARNETT. Those instructions are not binding?

Mr. HUTCHINS. No, sir.

Prof. BARNETT. Then they are instructions in the sense that they guide—

Mr. HUTCHINS. We do not consider them as instructions because they are not binding on any committeeman who attends the conference. We go into conference with a list of propositions and feel that we are justified in asking for those demands or requests, or whatever you may choose to term them. We are prepared to back those propositions up with an argument. If the other side can show us by argument where it is not possible or that we are not entitled to it under the wage scale that we are getting or that is coming to us, it would not matter who instructed the conferees; they couldn't do anything else but withdraw them.

Prof. BARNETT. So the conferees have a free hand?

Mr. HUTCHINS. Yes, sir. That is the understanding of both sides, that the conferees representing the manufacturers and employees have full power to act.

Prof. BARNETT. They go there and confer, and not simply to vote?

Mr. HUTCHINS. There is no voting in our conferences. When we discuss the merits of some proposition down to that point where we think we can agree, then it is a mutual agreement and the manufacturer may make a motion that it would be adopted. It would be necessary for somebody on our side, before it would get consideration at all, and so as soon as that is done they know we have arrived at a mutual understanding and it is satisfactory to both sides.

Prof. BARNETT. And you don't have to take a vote?

Mr. HUTCHINS. No, sir.

Prof. BARNETT. When you have reached this conclusion is there any reference back to the union necessary—any referendum?

Mr. HUTCHINS. No, sir; it is binding. They sign up for a number of years—two years usually.

Prof. BARNETT. Now, about this standing committee. Do you feel that the work of the standing committee is likely, on account of the increase in the number and amount of business coming up to it, to become burdensome—onerous?

Mr. HUTCHINS. Well, I have felt that way; yes.

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Prof. BARNETT. Have you thought at all about any other device? Have you considered the devices in other trades as to what other kind of a device you could have?

Mr. HUTCHINS. No, sir. I think we have means in our own trade if only taken advantage of. But it seems to be such a convenience to send everything to the standing committee that people who are charged with the responsibility of settling those disputes seem to sidestep them—send them along to the standing committee—think they get paid for it and have more time. Our rule is so that when a dispute arises in a shop—can not be settled—it is taken up by the shop committee, and from the shop committee, if the shop committee and the representatives of the firm can not agree, it must be referred to the standing committee, but no dispute can be referred to the standing committee before an effort has been made to settle it in the shop.

Prof. BARNETT. The effort sometimes is not very serious?

Mr. HUTCHINS. That is the trouble.

Prof. BARNETT. It is difficult to prescribe the amount of effort in the rule?

Mr. HUTCHINS. Yes.

Prof. BARNETT. Have you any—

Mr. HUTCHINS (interrupting). Some shop committees work very faithfully and accomplish a great deal, and others, they do not seem to measure up to their job; I suppose don't want to lose the time from their work to take care of those things.

Prof. BARNETT. So that you think the best thing that could be done, if it could be done, would be to have some rule by which the shop committees, which do not how use their effort would use it?

Mr. HUTCHINS. Yes.

Prof. BARNETT. About these cessations, about these local strikes, how many a year do you have?

Mr. HUTCHINS. How many a year?

Prof. BARNETT. A year, yes, per year. On the average run of them; or do they vary considerably?

Mr. HUTCHINS. I think we have had four, and I am satisfied it has not exceeded five in all the years we have had an agreement.

Prof. BARNETT. It would not run one a year?

Mr. HUTCHINS. No, sir.

Prof. BARNETT. What do you do when the men go out like that?

Mr. HUTCHINS. Order them back to work.

Prof. BARNETT. How do you put them back?

Mr. HUTCHINS. Issue an order that they return to work. They completely lose their standing with our organization and with the manufacturers' organization. They haven't anybody to appeal to. We have rather specific rules regarding strikes, and no local or shop has the power to go on strike; and if they go on strike, why, they have violated part of the agreement. Therefore, in all fairness, we can not stand behind their action, and the manufacturers are not standing—the manufacturers or the standing committee will not consider any grievance with those men while they are in bad with the organizations. They have completely lost their standing with both organizations.

Prof. BARNETT. That is, what you have to do is to persuade them that they have lost their standing?

Mr. HUTCHINS. Don't persuade them. Tell them that before they can get any consideration they have to go back to work.

Prof. BARNETT. Do they always do it?

Mr. HUTCHINS. Yes, sir.

Prof. BARNETT. Do you ever have to impose any fines?

Mr. HUTCHINS. No, sir. It is hard enough to collect dues without attempting to collect fines.

Prof. BARNETT. Do they lose any benefits by this? Do you ever cut off their benefits?

Mr. HUTCHINS. No. We threatened in one case to revoke their charter if they did not return to work. Of course that would deprive them from all benefits.

Prof. BARNETT. But you do not have to do that—

Mr. HUTCHINS. No, sir. They immediately returned to work and notified us that they had done so.

Prof. BARNETT. About those restrictions on the output, five pieces a day for pressers, is that about the rule?

Mr. HUTCHINS. No, sir. It depends on the class of work.

Prof. BARNETT. Ordinary work.

Mr. HUTCHINS. Ordinary staple goods, five pieces.

Prof. BARNETT. Will you state what the theory of the union is in imposing this? What is the theory of the union, so far as you know it?

Mr. HUTCHINS. Why, it is just the natural result of a man's ability to turn out a certain amount of ware. Before we had any agreement, or before this organization was formed, that was the general custom, that a man make just so many pieces a day, and the firms only gave them so many molds. Those molds can only be filled once. Of course, evolutions in the trade have simplified the construction of those articles and enabled a man to increase his number of pieces from three to five a day. There are some men who can make more than five. We contend that the average man can only make five a day and do justice to his work; and results have demonstrated that the man who makes more than five slights his work to some extent and he has more losses. That is one of the strong reasons why we try to restrain a man from making five pieces, or the average day's work, to encourage better workmanship; to produce better results and lose less to the manufacturer. We feel if we can turn out five closets we do a fair day's work and save the manufacturer a loss that he suffers from bad workmanship, and we are not only bettering his condition, but we are bettering the condition of the trade, and saving in that way might come to the pressers or workmen through increased wages.

Prof. BARNETT. So that you approve on the whole of the rule?

Mr. HUTCHINS. Yes, sir.

Prof. BARNETT. You think it is a good rule?

Mr. HUTCHINS. Yes, sir. In a pottery employing 50 men there would not be more than 2 or 3 that exceed that day's work. The average man, it would take him full eight hours, and after they got along past the forties, 45, they would commence to lag back, and it takes them eight hours and a half and sometimes nine hours to make the ordinary day's work.

Prof. BARNETT. It is a weekly stunt, straight daily stunt?

Mr. HUTCHINS. Yes, sir.

Prof. BARNETT. If he made four one day he couldn't average it up in a week?

Mr. HUTCHINS. No, sir; he does not have the molds to do that. He is only allowed five molds. Those molds can only be filled once a day, and then they have to be allowed to stand over to the next day before the ware can be taken out.

Prof. BARNETT. Do you mean that this restriction is imposed by the employer; that he would not give him another mold if he could fill it?

Mr. HUTCHINS. He hasn't got the other mold. They don't generally make any effort to do so; it is so well established.

Prof. BARNETT. Suppose some employer should have, by some chance, given a man six in a day, would he get the six molds filled?

Mr. HUTCHINS. He would not be allowed to fill it; that is by agreement, too.

Prof. BARNETT. It is by agreement?

Mr. HUTCHINS. Yes, sir.

Prof. BARNETT. Is that in a regular agreement, written?

Mr. HUTCHINS. No, sir. That is a special agreement, in conjunction with an overtime rule that we adopted. There was an abnormal demand for ware a few years ago and we adopted an overtime rule that, after a man has done his eight hours' work he would be allowed to make another piece provided he consumed a proportionate amount of time as consumed to those five. In consideration of that the manufacturers agreed that they would allow no man to exceed the established day's work unless granted permission to work overtime.

Prof. BARNETT. I see.

Mr. HUTCHINS. So in one or two cases where they did attempt to work overtime we have appealed to the manufacturers and they immediately stopped them.

Prof. BARNETT. What part of the skill of the workers in the trade, outside of those migratory workers of whom you spoke, are in the union? How many men whom you wished to have in the union are in? Have you got 90 per cent, in the sanitary part I mean?

Mr. HUTCHINS. We have them all in.

Prof. BARNETT. And no closed shop?

Mr. HUTCHINS. No closed shop.

Prof. BARNETT. How do you arrange that?

Mr. HUTCHINS. How?

Prof. BARNETT. How do you arrange that? There are some unions which maintain that if they do not have an agreement with the employer that he will discharge nonunionists, that they can not organize in the trade.

Mr. HUTCHINS. The way we manage it is the only manner in which the pottery can be taken care of, is by the membership in the organization. There is no other way to take care of his interests. He as an individual can not take a course against the standing committee—he will receive no consideration from the shop committee. Everything must be done through the organization. The manufacturers work through their organization and we and our members have to work through our organization, to that point where the standing committee comes together.

Prof. BARNETT. So that they all join?

Mr. HUTCHINS. They all join.

Prof. BARNETT. Just one more question, Mr. Hutchins. I understand that you have a joint agreement with the employers with reference to the sanitary arrangements in the sanitary shops, a health arrangement, perhaps, we better call it. The commission would, I am sure, be interested in knowing something about that arrangement.

Mr. HUTCHINS. I am not very familiar with that. We have an agreement with the manufacturers to take care of the sanitary conditions of the shop, see that they are kept clean, well ventilated, and the dust prevented from arising. The men who suffer from tuberculosis are taken out of the shops and sent to sanatoriums or secured outside employment. We send those men to the sanatoriums and pay their keep up there and maintain them in our organization as good members, members in good standing, while they are on the sick list. The manufacturers cooperate with us, and we employ a man—one of our own men—as a health inspector, and he goes around the shops and rids out all those bad things that he thinks are detrimental to the health of the employee and calls the attention of the manufacturers to it, and they make a list of them, and I suppose, whenever it is necessary, they hold a meeting.

The joint health committee is composed of three manufacturers and three operators. They hold a meeting and go over them, and they issue orders for men to whitewash, clean out the different parts of the buildings, see that the dust is kept down, see that the places are properly ventilated—any of those things they think are necessary in the line of preserving health.

Prof. BARNETT. Are there any particular trade diseases in the pottery trade?

Mr. HUTCHINS. Well, I don't know of any. There seems to be an old idea with the potting industry that they contract asthma and kindred diseases, but that was due, I believe, to conditions under which they labored years ago. While we have a number of people suffering from tuberculosis, I do not believe it is due to the fact that they work in the pottery.

Prof. BARNETT. Do you have any lead poisoning in it?

Mr. HUTCHINS. Very little. Physicians in Trenton have told me that there is more lead poisoning in the rubber industry than there is in pottery. We have very few cases; and there was Dr. Hamilton, who made an investigation there a few years ago—

Prof. BARNETT. Dr. Alice Hamilton?

Mr. HUTCHINS. Yes, sir; on behalf of the Government, and she had a great trouble to unearth two or three cases, although it is a common thing for people to say they get lead poisoning. There is very little lead used in the dipping of ware to-day—the glazing of ware.

Prof. BARNETT. Have you any law in New Jersey with reference to lead poisoning in your industry?

Mr. HUTCHINS. Why, there was a law adopted, I think, at the last legislature.

Prof. BARNETT. With reference to your industry?

Mr. HUTCHINS. Yes, sir. We had made some modifications in that particular thing that applied to the pottery. We resented the imputation that it was one of those trades that caused lead poisoning, and they had certain requirements that men who worked in pottery were to meet, and the men following our trade objected to complying with that. I think one was wearing a respirator, and the other was having State examinations by a physician, and some other things like that; and we had an amendment introduced and adopted that if we introduced conditions that would meet with the requirements of the commission of labor he could set aside those other requirements.

Prof. BARNETT. So that you are exempt, then, from the New Jersey law?

Mr. HUTCHINS. No; it applies to us to that extent.

Prof. BARNETT. To that extent?

Mr. HUTCHINS. Yes, sir.

Prof. BARNETT. But you are to look after your own industry?

Mr. HUTCHINS. Yes, sir; we are to look after our own industry and satisfy the commissioner of labor that we are taking care of the bad features of the trade.

Prof. BARNETT. Do the employers help in this sanitary arrangement that you have?

Mr. HUTCHINS. Oh, yes.

Prof. BARNETT. What?

Mr. HUTCHINS. Yes.

Prof. BARNETT. In what way?

Mr. HUTCHINS. Well, they interest themselves to the extent that they co-operate with a committee, a local committee. What I mean by local committee is a local committee in the shop. Each shop has a health committee, and the foreman or managers are interested to that extent to see that the health committee gets busy at stated times in having the shop clean.

Prof. BARNETT. Do they pay anything to the tuberculosis fund? Do they help send those men away at all, or do you do that on your own account?

Mr. HUTCHINS. There was an agreement that they were to pay something. I don't know just how it is worked out; and they pay part of the health inspector's salary.

Prof. BARNETT. That is all I have.

Acting Chairman WEINSTOCK. Have you any questions, Mr. Delano?

Commissioner DELANO. Mr. Hutchins, how long have you served on one of those committees or on this committee?

Mr. HUTCHINS. How long have I served?

Commissioner DELANO. Yes.

Mr. HUTCHINS. Well, I am not a member of the committee, although in my official position I associate with them a good deal.

Commissioner DELANO. I thought you were a member of the committee.

Mr. HUTCHINS. No, sir. When the committee first started out I attended every meeting until they got along to that point where they seemed to be running smooth, and then we left it to the committee.

Commissioner DELANO. I understand those committeemen have full power. Are they ever displaced because they are too easy-going?

Mr. HUTCHINS. No, sir; they are either appointed or elected for one year.

Commissioner DELANO. Are they usually reelected, or do they change every year?

Mr. HUTCHINS. Well, I think this is the third year that we have had a referendum election, the referendum voting in force; but before that we appointed the committees, and they were appointed somewhere on seven or eight years. We never changed. When we got hold of a good man and he grasped the situation we kept him there.

Commissioner DELANO. Is he paid anything?

Mr. HUTCHINS. Oh, yes; we pay him at the rate of \$5 a day for eight hours.

Commissioner DELANO. Do you mean to say that he gives up all his time to this?

Mr. HUTCHINS. Oh, no.

Commissioner DELANO. He doesn't work in the shop?

Mr. HUTCHINS. Oh, yes; he works in the shop every day, and whenever there is a meeting of the standing committee it is usually held in the evening. Sessions begin at half past 7, and they adjourn at 10 or half past 10.

Commissioner DELANO. And you pay him separately for the time he puts in?

Mr. HUTCHINS. For the time he puts in on that committee. If it is necessary to hold a day meeting, they will arrange it themselves.

Commissioner DELANO. As I understand you, your organization represents the pottery industry not only in Trenton but in Ohio and in other places?

Mr. HUTCHINS. Yes.

Commissioner DELANO. Trenton is much the largest, isn't it?

Mr. HUTCHINS. Well, the greater quantity of sanitary ware is made in the Trenton district.

Commissioner DELANO. Does that include such large pieces as bathtubs?

Mr. HUTCHINS. Yes, sir.

Commissioner DELANO. And things like that?

Mr. HUTCHINS. Yes.

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Commissioner DELANO. Does it include ironwork that is covered with porcelain?

Mr. HUTCHINS. No, sir; all clay work, clay workers, porcelain.

Commissioner DELANO. How much would you say the wages in those crafts have been increased in 14 years' time—13 or 14 years' time; that is, their earning power?

Mr. HUTCHINS. Has there been any increase?

Commissioner DELANO. I wanted to know.

Mr. HUTCHINS. I say, is that the question you ask—has there been any increase?

Commissioner DELANO. How much, if any?

Mr. HUTCHINS. You see, those increases do not come in a general way. There are different classes of work, and it was scaled to \$4.50. That was the staple goods. And, then, \$5 a day would be the next class, and up to \$5.50 a day. But the \$4-a-day man has been increased to \$4.70—\$4.50 man has been increased to \$4.70; yes.

Commissioner DELANO. Would that be a fair average to assume for all the different grades; that is, about 12 or 15 per cent?

Mr. HUTCHINS. Well, I suppose about 15 per cent. Yes, sir, 12 or 15 per cent, yes, on a general average, would be safe.

Commissioner DELANO. How has the manufacturer paid that? Has he taken, then, out of less profit, less business? Or has he improved the methods? Or has he increased the price to the public?

Mr. HUTCHINS. I am not in a position to say.

Commissioner DELANO. I only wanted to know if you know?

Mr. HUTCHINS. No, sir; I do not.

Commissioner DELANO. That is all.

Commissioner O'CONNELL. Is the individual workman producing more work now than he did 14 years ago?

Mr. HUTCHINS. Fourteen years ago?

Commissioner O'CONNELL. Yes.

Mr. HUTCHINS. Yes.

Commissioner O'CONNELL. And he is only getting 15 per cent more in wages than he did 14 years ago?

Mr. HUTCHINS. Oh, 14 years ago?

Commissioner O'CONNELL. That was Mr. Delano's question: What has been the increase from 14 years ago to the present time?

Mr. HUTCHINS. Of course I was basing my answer on the present day's work. Commissioner DELANO. You have shortened the hours somewhat, I suppose?

Mr. HUTCHINS. I explained to these gentlemen that the work increased from three pieces a day to four and then five. When they made three pieces for a day it was the method in which they made it that made it quite difficult. They modified those methods to some extent, and naturally a man could make more ware, and then with other improvements he was enabled to make five in just the same hours that he made three originally.

Commissioner O'CONNELL. What was a first-class mechanic's wages 14 years ago in the pottery trade; that is, how much did he make a day in an 8 or 10 hour day, or whatever the hours were?

Mr. HUTCHINS. \$4.50 a day.

Commissioner O'CONNELL. The wages were \$4.50 a day at that time?

Mr. HUTCHINS. Yes.

Commissioner O'CONNELL. What would the same mechanic's wages or earnings be to-day?

Mr. HUTCHINS. \$4.70.

Commissioner O'CONNELL. Then there has been a very small increase in his wage in that time, and he is producing two or three pieces to four or five pieces?

Mr. HUTCHINS. Yes, sir.

Commissioner O'CONNELL. In that condition the employer is getting 40 to 50 per cent greater production to-day than he was 14 years ago?

Mr. HUTCHINS. Yes, sir.

Acting Chairman WEINSTOCK. Mr. Lennon, have you any questions?

Commissioner LENNON. Have you a similar agreement as to the tableware trade?

Mr. HUTCHINS. Yes, sir.

Commissioner LENNON. Covering a large portion of the tableware trade as well?

Mr. HUTCHINS. All of it.

Commissioner LENNON. Covering all of it?

Mr. HUTCHINS. Yes, sir.

Commissioner LENNON. It is not made in the same factories, by the same operators, is it?

Mr. HUTCHINS. No, sir.

Commissioner LENNON. Then your organization as a whole is operated under a trade agreement as to all departments?

Mr. HUTCHINS. Trade agreement.

Commissioner LENNON. You made a remark about the introduction of a machine and the operation of those machines by unskilled men. Are not your members operating those machines?

Mr. HUTCHINS. I didn't make any mention of a machine production in a machine.

Commissioner LENNON. Didn't you?

Mr. HUTCHINS. No, sir.

Commissioner LENNON. Then I misunderstood you. Didn't you say something about a machine being introduced into the trade to do the work?

Mr. HUTCHINS. A new method. The old method was to make it out of plastic clay. They take this now and add some chemicals to it and it liquifies it and they pour it in just the same as they cast iron. They pour it in.

Commissioner LENNON. And in doing that work—

Mr. HUTCHINS. Unskilled labor to a great extent.

Commissioner LENNON. Why don't the operators do it? Why don't your members do that work?

Mr. HUTCHINS. We have not had the opportunity.

Commissioner LENNON. Well, of course, it is not just the proper thing, but I advise you to get that work for your operators.

Mr. HUTCHINS. We are trying to do that. We have not lost sight of that fact. But here is an idea that was introduced in this thing to make ware by the casting process.

Commissioner LENNON. I see.

Mr. HUTCHINS. And they interested several men who were outside of the pottery business, or at one time were interested in the pottery business, and they built individual shops, built the shops and they experimented, oh, for a long while; they had very little success, but they got to that point where they could make some ware and their object was to make an unskilled trade. They have not succeeded in doing that yet.

Acting Chairman WEINSTOCK. Can you tell us, Mr. Hutchins, what was the number of members in your union?

Mr. HUTCHINS. How many members?

Acting Chairman WEINSTOCK. Yes; that is, not in your local but in your national union?

Mr. HUTCHINS. Between 7,000 and 8,000. I am not just sure of the exact number.

Acting Chairman WEINSTOCK. Do you know what proportion that represents of all the men in your craft?

Mr. HUTCHINS. All the men?

Acting Chairman WEINSTOCK. Yes.

Mr. HUTCHINS. All skilled men?

Acting Chairman WEINSTOCK. Yes. All that would be eligible for membership in your union?

Mr. HUTCHINS. Represents very nearly all of them.

Acting Chairman WEINSTOCK. Very nearly all?

Mr. HUTCHINS. Yes. We have not anyone in the potters who absolutely refused to join the organization.

Acting Chairman WEINSTOCK. What initiation?

Mr. HUTCHINS. \$3 for male and \$1.50 for female.

Acting Chairman WEINSTOCK. What for dues?

Mr. HUTCHINS. Fixed by the local.

Acting Chairman WEINSTOCK. Approximately?

Mr. HUTCHINS. Twenty-five cents a month.

Acting Chairman WEINSTOCK. A month?

Mr. HUTCHINS. I suppose about 35 cents would be the general average.

Acting Chairman WEINSTOCK. Mr. Campbell explained that you have been having trade agreements now for 14 years. During that time has there been any instance, to your knowledge, where the employer has broken the contract?

Mr. HUTCHINS. Broken the contract?

Acting Chairman WEINSTOCK. Yes.

Mr. HUTCHINS. Well, of course, sometimes we feel that they have violated the agreement, but the other side will contend they have not.

Acting Chairman WEINSTOCK. How is the matter adjudicated when that dispute arises?

Mr. HUTCHINS. Taken up with the standing committee. Only in one case was there a deliberate violation of the agreement.

Acting Chairman WEINSTOCK. On the part of whom?

Mr. HUTCHINS. On the part of the manufacturers. I am talking about the manufacturers now. We carried the matter to the standing committee. They cited this manufacturer to appear—at least, we appealed to the manufacturers' association and they cited this manufacturer to appear before their manufacturers' association and give reason why he did not comply with the agreement. He promised them he would do so. And that evening we held a meeting of the standing committee at which this case was going to be considered, and while this meeting was in session this manufacturer sent notice that he had decided that he would not comply with the agreement, so they expelled him.

Acting Chairman WEINSTOCK. That he would not comply?

Mr. HUTCHINS. Yes, sir; and he was expelled.

Acting Chairman WEINSTOCK. He was thrown out?

Mr. HUTCHINS. Yes, sir.

Acting Chairman WEINSTOCK. Have there been any instances, to your knowledge, where the workers broke their agreement?

Mr. HUTCHINS. Yes. Where they have stopped work in an effort to secure an immediate adjustment of some disputes, but we have always ordered them back to work.

Acting Chairman WEINSTOCK. They have not been expelled?

Mr. HUTCHINS. Yes, sir. The organization—that is, the national organization—has not at any time broken its agreement; neither has the manufacturers' association. There may be individual shops or individual firms that have done some things that were a little off, but the two organizations generally put them back in their place.

Acting Chairman WEINSTOCK. So, on the whole, the obligations have been faithfully carried out on both sides?

Mr. HUTCHINS. Yes, sir; I feel they have.

Acting Chairman WEINSTOCK. As the result of those trade agreements, Mr. Hutchins, what is the attitude of mind on the part of the employers toward their workers and on the part of the workers toward their employers? Is it one of hostility or one of cordial, kindly, friendly feeling?

Mr. HUTCHINS. Well, I feel that it is rather friendly.

Acting Chairman WEINSTOCK. Is there any hostility?

Mr. HUTCHINS. Of course, there are some exceptions.

Acting Chairman WEINSTOCK. I am speaking of the rule.

Mr. HUTCHINS. The general rule is that there is a friendly feeling on both sides.

Acting Chairman WEINSTOCK. A friendly feeling on both sides?

Mr. HUTCHINS. Yes, sir.

Acting Chairman WEINSTOCK. It is an absence of hostility that we find in some instances?

Mr. HUTCHINS. Yes, sir; I might say that we have been through that phase of the industry where we did all the scrapping, and we have both come to the conclusion it was better to sit down and talk these things over and then cut out scrapping about it.

Acting Chairman WEINSTOCK. There is nothing in the scrapping?

Mr. HUTCHINS. No, and that is what has brought about the pleasant conditions in the pottery industry.

Prof. BARNETT. The piece rate and the time rate, so far as there are time rates, are uniform for all the potteries in the United States?

Mr. HUTCHINS. Oh, yes; we have a uniform rate of wages.

Prof. BARNETT. For all over? There are no local differences in the United States?

Mr. HUTCHINS. No local differences at all. A piece of ware made in Richmond, Cal., pays the same price as the same piece made in Trenton.

Prof. BARNETT. Well, suppose the standing committee does not come to an agreement, what do you do; just put it off?

Mr. HUTCHINS. Why, we have never made any provisions for anything of that kind. If the dispute is referred to the standing committee, they are supposed to settle it; if they can not settle it at their first meeting, why, then, it is laid over until some future meeting; if they finally fail to agree, why, it is up to them to make some provisions to carry the case along further—to some other committee or organization.

Prof. BARNETT. It is referred to a subcommittee?

Mr. HUTCHINS. Yes.

Prof. BARNETT. But you have settled them all, have you?

Mr. HUTCHINS. Yes.

Prof. BARNETT. You have settled every dispute that has come up?

Mr. HUTCHINS. Yes, we have disposed of it.

Prof. BARNETT. Sooner or later?

Mr. HUTCHINS. Yes; to the satisfaction of both sides of the committee. It may not always be to the satisfaction, possibly, of some people involved in that dispute; but after serious discussion and consideration it has been disposed of to the satisfaction of the committee.

Acting Chairman WEINSTOCK. Just one more question, Mr. Hutchins.

Mr. HUTCHINS. Yes, sir.

Acting Chairman WEINSTOCK. If every industry in America, if the conditions in every industry in America, corresponded to the conditions in your industry, is it or is it not a fact that the occupation of this commission would be gone?

Mr. HUTCHINS. I feel so. I feel that our agreements have benefited and protected the workers in the pottery industry to an extent that can not be computed in dollars and cents.

Acting Chairman WEINSTOCK. There is little or no such thing, then, in your industry, as what is called industrial unrest?

Mr. HUTCHINS. Well, I won't say that, because there is some; but as to how far they are justified in that, is a question. But this condition don't prevail—there is no man fears losing his job because he is a member of the organization, or because he asserts his rights under the agreement, and there is no more of the condition that prevailed heretofore, that if a foreman came down and discharged you because he wanted to, that you would have to get out and there was no redress. Under the present agreement—and the general ware trade has gone much further than that, for they have a discharge agreement, and they can only discharge you, give you immediate discharge, for certain specific reasons.

Acting Chairman WEINSTOCK. Yes.

Mr. HUTCHINS. And that has got to be a written discharge, and then there is a discharge committee that that man can apply to to have a hearing, otherwise he is entitled to two weeks' notice, and pending the serving of that two weeks' notice there is ample time to take up any grievance to the committee and determine whether the discharge is justifiable or not.

Acting Chairman WEINSTOCK. Both sides are thoroughly protected?

Mr. HUTCHINS. Yes, sir. I believe that any other industry, if they would show a disposition to treat the rights of each side fairly, can accomplish the same thing.

Acting Chairman WEINSTOCK. One more point. Are there many Socialists that are members of your association, your union?

Mr. HUTCHINS. Yes, sir; quite a number.

Acting Chairman WEINSTOCK. Have you any I. W. W. members?

Mr. HUTCHINS. Possibly half a dozen sympathizers that I know of.

Acting Chairman WEINSTOCK. About what proportion of your membership are Socialists?

Mr. HUTCHINS. Oh, a very small percentage.

Acting Chairman WEINSTOCK. Approximately, about what?

Mr. HUTCHINS. Oh, I could not answer that.

Acting Chairman WEINSTOCK. Ten per cent?

Mr. HUTCHINS. Well, I don't think it would be more than that.

Acting Chairman WEINSTOCK. They have no dominating influence in it?

Mr. HUTCHINS. No; although they do make considerable noise.

Acting Chairman WEINSTOCK. Out of all proportion to their numbers, eh?

Mr. HUTCHINS. That is the way I feel about it.

Acting Chairman WEINSTOCK. That is all. Thank you very much, Mr. Hutchins.

(Witness excused.)

TESTIMONY OF MR. DENIS A. HAYES.

Prof. BARNETT. Will you please give your name and address to the reporter?
Mr. HAYES. Denis A. Hayes, 930 Witherspoon Building.

Prof. BARNETT. Will you state what your official connection has been with the glass bottle blowers' association, as it is called now, the green glass?

Mr. HAYES. For the last 18 years, or this is my eighteenth year as president of the Glass Bottle Blowers' Association of the United States and Canada.

Prof. BARNETT. And before that you were vice president?

Mr. HAYES. Yes; for two years.

Prof. BARNETT. How many men are there in the United States engaged in the business, in the trade or industry of glass-bottle blowing?

Mr. HAYES. I think there are about 12,000.

Prof. BARNETT. About 12,000?

Mr. HAYES. Yes.

Prof. BARNETT. Of those, how many are in the union?

Mr. HAYES. Ten thousand journeymen, and I might say, about 800 apprentices.

Prof. BARNETT. Is there any particular part of the trade that is unorganized?

Mr. HAYES. Yes.

Prof. BARNETT. What part?

Mr. HAYES. Well, we have some nonunion men, probably, maybe about 800.

Prof. BARNETT. In any particular section or any particular class?

Mr. HAYES. Yes.

Prof. BARNETT. What section?

Mr. HAYES. In a particular section. They may not be nonunion in, probably, a few months, but they have been nonunion.

Prof. BARNETT. What section of the country is that in?

Mr. HAYES. What?

Prof. BARNETT. I say, what section of the country is unorganized?

Mr. HAYES. Indiana.

Prof. BARNETT. Indiana?

Mr. HAYES. A part of Indiana.

Prof. BARNETT. Is the strength of the union greater now than it was 10 years ago?

Mr. HAYES. Oh, yes; in a way. In a way it is stronger, and in a way it is weaker.

Prof. BARNETT. I mean, in reference to the proportion of membership?

Mr. HAYES. Membership?

Prof. BARNETT. Membership.

Mr. HAYES. Our union has been stationary for about the last eight years.

Prof. BARNETT. In membership?

Mr. HAYES. In membership.

Prof. BARNETT. But the proportion of the men in the trade has been increasing, I mean, the proportion which have union representatives?

Mr. HAYES. Well, it has been increasing slowly.

Prof. BARNETT. Before that time there was a good deal of nonunionism, was there not?

Mr. HAYES. Yes.

Prof. BARNETT. So let us go back to the time of the old Industrial Commission in 1900. You testified before the old Industrial Commission?

Mr. HAYES. Yes.

Prof. BARNETT. What was the strength of the union then?

Mr. HAYES. Very small.

Prof. BARNETT. Very small?

Mr. HAYES. There was more nonunion glass blowers in one town in New Jersey than there was union men in the entire East.

Prof. BARNETT. New Jersey has become organized now, has it?

Mr. HAYES. Yes.

Prof. BARNETT. So that the only part of the country which is unorganized is Indiana?

Mr. HAYES. Yes; a few counties in Indiana.

Prof. BARNETT. You have an agreement with the glass bottle blowers manufacturers' association?

Mr. HAYES. Yes.

Prof. BARNETT. Will you outline for the commission the way in which that agreement is formed? It is an annual agreement, is it not?

Mr. HAYES. Yes.

Prof. BARNETT. Formed each year?

Mr. HAYES. Yes.

Prof. BARNETT. Will you outline how the agreement is made?

Mr. HAYES. Yes. Here is a copy of our annual wage schedule, and you ask me to explain, so I will ask your patience for a few minutes. I think it is different from other wage scales, and that is why I wish to explain.

We rarely have a strike. We have not had a national strike in 25 years, and very rarely a local strike. This book, this scale, is gotten up to settle difficulties without a strike, and to that end we first meet the manufacturers; that is, our executive board. We meet the executive committee of the manufacturers in May of each year. There we first tell what changes or demands we want, and why we want them. They tell us the same giving their reasons therefor. Each side has its own secretary. The minutes are reproduced and published to the trade, a copy for each member. Each side knows, therefore, what the other side will demand. Then in August each association, the manufacturers and ours, have a convention and those measures are taken up and discussed and acted upon, and the manufacturers or the workmen are instructed or the matter is left in their hands. There is no occasion to catch either side unprepared, or to take any advantage of either side, or to spring anything either in good times or in bad.

Now, both sides hold an annual convention in August, and get the opinions of their respective constituents. Then there is a final wage conference held immediately after these conventions, usually in Atlantic City, where a final wage settlement is entered upon for the year. Now, this has been going on for 25 years, and, as I said in the beginning, we have never had a national strike in our association, and but one or two local strikes that caused more than passing attention. We have had some pretty strong fights outside, trying to organize nonunion blowers and factories, but we have been pretty successful.

Now, another point I wish to call your attention to, and this is without any desire to boast: I have noticed you asking questions here about the relations between the employers and the workmen. I will read this for you.

If a new bottle comes into our trade during the season, which is from September until July, 11 months, if the employer and the local committee can not settle the price of that bottle according to the basis of this list, it is sent to our office and the president of our association is expected to settle the price.

Prof. BARNETT. The president of the union?

Mr. HAYES. Yes. Well, he will settle it. Now, the employer may appeal from his decision, or the workman may appeal, but that bottle must be made under protest until the next conference, when it comes up for final action. The president may be—his action may be indorsed or may be rejected, but nevertheless the men have worked on. Of course, that is not very easy for the president. He has to plead before two courts. He comes before the manufacturer and they never—they are all nice people, you know—but they don't give a fellow the benefit of a doubt. Then he comes into the convention and gets it just about as hard there if he happens to be wrong.

Now, this is the interpretation of rules, section 42: All information wanted in regard to the convention or any of the rules, regulations, and prices, shall be referred to the president of the blowers' organization, whose decision in all such cases shall be binding unless said decision is reversed by the joint wage preliminary conference in the case of a protest.

This is put in here on the motion of the manufacturers. This shows the confidence they have in the officials of our union. And the same applies to many other trades-unions, I believe, and I bring it out here to-day in response to some of the things said here last week by employers concerning the faults they find with trade organizations, trade-unions, and so forth.

Now, another thing about the strike. There are lots of rough edges come up during the season; lots of demands are made; men are keyed up; anger is at a high pitch; but the men must work, no matter what demand is made. If he demands the men work for 25 per cent less than this list, we say, "You must work." We go there and see if we can settle it. We try every means first to settle it. If we can not, probably the men may be called out, and the manufacturers' association will use its influence to get for our men the amount they lose while working under protest on that demand.

Now, that is about all of our wage agreement, except that I am an absolute believer in collective bargaining and in wage agreements—an absolute believer. They have helped our unions in hard seasons. They would divide up the labor with the idle men. They have showed something like a fraternal spirit, and that feeling has come in that if we can do anything to preserve the interests of our employers we will do so, and we believe they would do the same for us. Of course, we have been going along together; we have been meeting together, as I have said, for about 25 years.

Prof. BARNETT. Does this agreement contain all the rules that are binding on the manufacturer?

Mr. HAYES. Every rule.

Prof. BARNETT. Are you acquainted with the agreement between the typographical union and the American Newspaper Publishers' Association?

Mr. HAYES. Not very much.

Prof. BARNETT. This agreement automatically expires at the end of the blast, does it not?

Mr. HAYES. Yes; the last of July.

Prof. BARNETT. The last of July. Now, I suppose that—have there been any occasions when it has been impossible to come to a new agreement before the beginning of the next blast?

Mr. HAYES. Yes.

Prof. BARNETT. What was done?

Mr. HAYES. Well, it is some six years ago. For two years in succession we failed to come to an agreement with the employers. The trade was being disturbed seriously by machinery, and the manufacturers would not agree to our demands or to our request to continue the same wage scale. They refused two years in succession. But we worked on. We went to work. Our trade is well disciplined.

Prof. BARNETT. You went to work under the old agreement?

Mr. HAYES. Yes; there was no breaks. The employers started up, but they just did not want to sign the agreement. They said, "We will start under protest," and they started their factories and we had two good seasons' work.

Prof. BARNETT. Well, the length of the summer stop is not a variable quantity with the glass-bottle blowers, as it is with the flints, is it?

Mr. HAYES. Well, for 30 years we had two months, July and August. The heat made it impossible to work. But since this machine has come in we have had to just take one month off, that is August, the hottest month.

Prof. BARNETT. This agreement provides a price for every glass bottle, practically, blown in the United States?

Mr. HAYES. Yes.

Prof. BARNETT. And the price is uniform all over the United States and Canada?

Mr. HAYES. Yes.

Prof. BARNETT. Any glass bottle blown by any union glass blower is paid for at that price?

Mr. HAYES. Yes. I would like to say something on that, please.

Prof. BARNETT. Yes.

Mr. HAYES. We have had a uniform scale. I think our organization was first started in 1847, and we have had a uniform scale. Now, I am of the opinion that you can only have a uniform scale where you have a uniform method of making the article. There was only one method of making a bottle, you see, hence they claimed the uniform scale of wages. But now bottles are made in three or four different ways and we have three or four different scales. So you see we have the uniform scale for blowing.

Prof. BARNETT. All your scales are uniform over the entire United States?

Mr. HAYES. Yes.

Prof. BARNETT. That is, the semiautomatic scale and the united scale; it is uniform all over the United States, isn't it?

Mr. HAYES. Yes; but I am telling you it is hard to tell how long a thing like that will exist when there isn't a uniform method of making the article.

Prof. BARNETT. You doubt whether this uniformity over the United States will persist in face of the change of methods?

Mr. HAYES. No; I don't think it will last.

Prof. BARNETT. That is very interesting. Your representatives in the preliminary conference or the members of the executive board—

Mr. HAYES. Yes.

Prof. BARNETT (continuing). Are they also in the final conference?

Mr. HAYES. Yes.

Prof. BARNETT. It is always the executive board or union that makes the scale?

Mr. HAYES. Yes.

Prof. BARNETT. Are there any members added to this for particular branches of the trade?

Mr. HAYES. Yes; the president can pick up a specialist and bring him there.

Prof. BARNETT. These are not elective, as in the potters?

Mr. HAYES. No.

Prof. BARNETT. What would you think from your experience of the advantage of having the executive board represent in such conference against the method of having local unions elect representatives?

Mr. HAYES. I don't believe in electing conferees.

Prof. BARNETT. Why not?

Mr. HAYES. They have no sense of responsibility like an officer. Now, we are elected for a year, and we must—well, we at least ought to be able to show some ability and some judgment for our actions. It comes up for control at the next convention, and they can locate the responsibility right there on 10 of us officers, understand, and—

Prof. BARNETT (interrupting). Yes.

Mr. HAYES. Well, now, suppose the conferees are selected for one year, are elected from the trade to settle the wages, and they settle them, or they don't settle them, but they pass, they feel no responsibility next year. Maybe they are not in the convention; doubtful if they are. They can not feel that burden like the men who must face the music.

Prof. BARNETT. You would not say, then, that the potters made any improvement when, in 1910, they changed from a method of having the representatives appointed by the president to a method of picking out local unions to elect them?

Mr. HAYES. Well, I don't want to criticize.

Prof. BARNETT. But, as a general point, you say that you would not advocate that for the glass-bottle trade?

Mr. HAYES. No.

Prof. BARNETT. Is there any referendum back from the final conference?

Mr. HAYES. No.

Prof. BARNETT. You have power to close the deal?

Mr. HAYES. We have power to make the settlement.

Prof. BARNETT. Power to make the settlement?

Mr. HAYES. We never had the referendum and never want it.

Prof. BARNETT. To go back again to the settlement of matters under the agreement, every dispute that comes up under the agreement, this interpretation of any difficulty as to a new bottle is referred to you as the president of the glass-bottle blowers' association?

Mr. HAYES. That is, where they can not agree on it locally.

Prof. BARNETT. I understand that is the reference. Now, have you ever had any case, Mr. Hayes, in which the local unions have refused to accept your decision?

Mr. HAYES. Oh, sure.

Prof. BARNETT. What do they do?

Mr. HAYES. Well, they remain at work.

Prof. BARNETT. They remain at work?

Mr. HAYES. Yes.

Prof. BARNETT. You have never had any cases, I mean, where they have quit work?

Mr. HAYES. They quit—well, they quit—we won't let them quit work; that is, in that sense. If they quit work they won't work any place else in any union.

Prof. BARNETT. Have they ever quit?

Mr. HAYES. No; they just appeal from my decision, understand, and then they come to the next convention and do their best to prove my name is Denis and I am wrong.

Prof. BARNETT. So you don't have cessations as much as the potters?

Mr. HAYES. No.

Prof. BARNETT. Are all the manufacturers of glass bottles, that is, the hand and semiautomatic, in the association?

Mr. HAYES. No; not all; but they are trying their methods of the trades-unions just now to get them in.

Prof. BARNETT. Do you help to get them in in any way?

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Mr. HAYES. I believe we are giving them a lift just now.

Prof. BARRETT. How do you help them?

Mr. HAYES. This thing of unionism and nonunionism and manufacturer and workman, it was all a case of just plain human nature. I suppose there was about 30 per cent of the manufacturers outside of the association, and, of course, they liked the nonunion men. They shared in all this benefit and got the benefit of the prices that we established, etc., so the manufacturers said, "Now, we won't send them our methods or our selling cards, and we won't settle any disputes for them, and if you settle any for them don't you bring them up at the conference; we won't touch them." So whenever a manufacturer not a member of their association would send a case to our office we would, of course, do our best to settle it for them, because they employed our men, but we would tell them, "You can not appeal. You can not appeal to our convention, and you can not appeal to the manufacturers. They won't recognize your appeal." Well, I understand last month at the conference they got 25 manufacturers in.

Prof. BARNETT. Well, your method of getting the manufacturers in is very much like the method the potter has of getting the union man in; that is, he has nobody to take up his case for him.

Mr. HAYES. That is it.

Prof. BARNETT. You have the closed shop in your union, have you not?

Mr. HAYES. Yes.

Prof. BARNETT. The employer will discharge a man who is a nonunion man?

Mr. HAYES. That is practically the understanding. I don't know whether he discharges him or not.

Prof. BARNETT. Well, he quits work?

Mr. HAYES. But we would not fraternize with him very much.

Prof. BARNETT. Now, there is an understanding that the employer will not employ—

Mr. HAYES (interrupting). I will tell you. Our agreement is for members of our association. That goes without saying.

Prof. BARNETT. But I mean, doesn't it go further than simply the method of the potters; that is, if there is a nonunion man, you don't simply rely on the method of the potters in simply refusing the many any representation as against the unfair man, you ask for his discharge?

Mr. HAYES. Nonunion man?

Prof. BARNETT. Yes.

Mr. HAYES. Well, we won't work with any man unless he can present a clear card. We will refuse to work with him. He can work if he wants to, if the manufacturer can put him on to work, but we refuse to work with him unless he can show a clear card.

Prof. BARNETT. In fixing the prices of glass bottles, is the price fixed ordinarily according to the amount of time it takes to make the bottle?

Mr. HAYES. Yes.

Prof. BARNETT. Or is the amount that a man can earn higher on certain bottles than others?

Mr. HAYES. The more glass that is in a bottle, the more time it takes to make it. A panel is more difficult to make than, we will say, any other bottle, but any unique bottle—

Commissioner O'CONNELL (interrupting). What is a panel?

Mr. HAYES. Square sides and ends, depressed sides and front and back and sides depressed, you know. Those bottles you go to the drug store and pay a dollar for patent medicine, that are so flat you can hardly get a toothpick down inside; that is a panel.

Prof. BARNETT. But speaking broadly, you haven't put the price on certain bottles because the users of those particular bottles could afford to pay a higher price, have you?

Mr. HAYES. No; we did not put any price on at all. This wage agreement, this is not the union's work.

Prof. BARNETT. No; I understand that.

Mr. HAYES. This is the work of a joint wage conference, composed of employers and workmen. Now, a bottle, we will say, there are certain bottles used as a basis. We will take a round prescription bottle, which is the basis for round bottles, and the panel for square bottles, beer bottles, minerals, flasks, and so on. We will take, say, a 6-ounce bottle, and for every half-ounce of glass added to that bottle that the manufacturer desires, if he wants to make it heavier, we get 6 cents a gross. As the weight is increased, it

takes longer to make a bottle, and, of course, speed is everything with the glass blower. Speed and precision. They are the two points in our trade.

Prof. BARNETT. Since 1896 you have been having machines introduced in the glass-bottle trade?

Mr. HAYES. 1904, yes.

Prof. BARNETT. Since 1904?

Mr. HAYES. Yes.

Prof. BARNETT. Well, you have a semiautomatic, you had one introduced, did you not, as early as 1900 in the jar trade?

Mr. HAYES. That is the fruit-jar machine.

Prof. BARNETT. That was introduced in nonunion houses as early as 1896, was it not?

Mr. HAYES. No.

Prof. BARNETT. Where was the first fruit-jar machine used?

Mr. HAYES. Ball Bros., at Muncie.

Prof. BARNETT. Wasn't the Atlas Co. at Washington, Pa., first?

Mr. HAYES. Yes. About the same time. Well, before Balls. Yes; you are right. That was nonunion.

Prof. BARNETT. Now, what was the character of the semiautomatic machines? How far did it displace the hand blower?

Mr. HAYES. The average hand-making machine, bottle making, since they became known, is operated by two men. As that machine was developed and simplified, one man was displaced; all it required was a man to gather the glass as the furnace, lay it on the machine, and by hitting a little instrument like a trigger with his pipe it would cut off his glass when he thought he had enough glass in the mold, then the mechanism would press the bottle, make the bottle complete. That is what we call a semiautomatic. That displaces a man.

Prof. BARNETT. And also one machine produces a good many more bottle than a hand blower, would it not?

Mr. HAYES. Than a hand blower?

Prof. BARNETT. Yes; I mean, per hand blower, not in the shop, but a hand blower?

Mr. HAYES. Well, it would more than one hand blower, but not more than three men.

Prof. BARNETT. And you have how many men displaced, then? You would have two men displaced, wouldn't you?

Mr. HAYES. Yes.

Prof. BARNETT. For every machine produced?

Mr. HAYES. Yes.

Prof. BARNETT. How many machines did you have, approximately, semiautomatic machines, in this trade in 18—introduced from 1896 to, say, 1904?

Mr. HAYES. I can't exactly tell you that. I can tell the number of automatics, though.

Prof. BARNETT. Well, we will come to that later.

Mr. HAYES. I can not tell the number of semiautomatics.

Prof. BARNETT. As a matter of fact, what was the policy of your union with reference to the semiautomatic?

Mr. HAYES. Well, the policy of our union is this, in a few words: We have never placed a straw in the way of a machine. We don't believe in obstructing machinery. We don't believe in limiting output of production in any sense whatever; we won't tolerate it. Now, we could get along with the machines that employed two skilled men and the machine that employed one skilled man, and get along with them all right. That probably looked hard then, but it looks easy now; but when the automatic came along, why, then, of course, that is where the trouble began.

Prof. BARNETT. What was your policy with reference to the semiautomatic?

Mr. HAYES. The semiautomatic; we first asked the employers to put our men, the displaced blowers, to work on the semiautomatic, or fruit-jar machine. In some instances we were successful, but it was hard to get the blower to try. A man used to work one way all his life, his mind and muscles and whole habit of living accustomed to one method of work, you can use all the advice and logic you want, but you can not change the routine of a lifetime. So, many of our men would not take that kind of work up, but while a few did take it up and made a success of it, and we have had as high—I think we have had 700 men or 800 men working these semiautomatic machines. When the automatic business came along—

Prof. BARNETT (interrupting). Did the industry expand rapidly enough to take up the slack caused by the introduction of the semiautomatic, if we will deal with that separately, first?

Mr. HAYES. Yes.

Prof. BARNETT. You have no unemployment; I mean, you had no machine problem down to 1904, did you, until the introduction of the automatic? Was—the semiautomatic, I mean, did it cause much hardship?

Mr. HAYES. No, none at all; none at all.

Prof. BARNETT. That is, the industry expanded rapidly enough to take up the slack?

Mr. HAYES. Yes.

Prof. BARNETT. There were some men, I suppose, were there not, in the fruit industry, who found it impossible to get into other branches? Weren't the men pretty well specialized in the fruit-jar trade?

Mr. HAYES. Yes; they were all specialized.

Prof. BARNETT. I mean, could they go over into the pressed-bottle industry?

Mr. HAYES. Quite a few did.

Prof. BARNETT. A good many went to work on the machines?

Mr. HAYES. Yes.

Prof. BARNETT. Suppose you get down to the automatic. What do you mean by automatic machines?

Mr. HAYES. The automatic machine is the—is an invention that makes bottles without the aid of any skilled glassworker at all.

Prof. BARNETT. Could you give us those figures you have there about the number of automatic machines?

Mr. HAYES. I have seen in printing the Mergenthaler and the linotype machines, and all that. Of course, they are far more costly and more elaborate. I don't think the building costs as much, though, as it does for the automatic, and I don't think there is any machine in existence that can make an article so complete without the aid of any human effort, or without the aid of any working hand as this automatic bottle-making machine. It was invented by a glass blower, named Michael Owens, of Toledo, Ohio.

Prof. BARNETT. Was he a blower?

Mr. HAYES. Sure thing.

Prof. BARNETT. I thought he was a flint?

Mr. HAYES. Well, a flint is a blower, too.

Prof. BARNETT. At any rate, he was not one of your particular trade?

Mr. HAYES. Well, you can not expect me to feel very proud about him, could you?

Prof. BARNETT. No.

Mr. HAYES. Oh, well, he is all right; he couldn't help it. I don't blame him. It is the condition we are up against. Somebody was bound to invent it, I suppose. The first automatic installed was in 1904. The cost of one of those machines, I think, would be about \$6,000 to build the machine, but you must build a special furnace for it, and a special plant, so that we will say the plant in Streeter, Ill., cost \$1,200,000, the one in Newark, Ohio, we will say cost \$1,100,000. Of course, that has been to our advantage, this expense. Everyone could not afford to put one up, and we have had time to adapt ourselves, as it were.

This machine gathers the glass, makes the bottle, and sends it in to the annealing lears, and a boy is displaced, and that is the only good thing about it, so far as we can see.

Prof. BARNETT. You don't need any child labor with it?

Mr. HAYES. No; not around the machine.

Now, from one machine in 1904 they now have 150 machines—automatic. Those machines have displaced 1,600 blowers; that is, we have 1,600 blowers idle now, but then we have found work for a great many blowers.

Prof. BARNETT. Can you give us just at that point, if you don't mind me interrupting, can you give us any idea as to how many bottles those 150 machines would make; that is, the output of those machines, if made by hand, would require about how many blowers?

Mr. HAYES. Well, I will in a minute; but I want to say that it has left us now with 1,600 idle men, but if we had not been successful in our efforts in putting on three shifts in 24 hours, where two was only formerly employed, with 7½ hours, with a half hour for lunch, then four shifts with 6 hours each in a day of 24 hours, with 15 minutes for lunch, and the reductions in wages we have taken, it is rather doubtful to-day if there would be a bottle-blowers'

union to-day. Now, while those machines make different kinds of ware, I will give you an idea of its output by stating the number of ordinary pint bottles.

These automatic machines work every hour in the 24. In 24 hours they make 170 gross of pint bottles.

Prof. BARNETT. That is, one machine does?

Mr. HAYES. One machine.

Prof. BARNETT. How many will a blower make in that time?

Mr. HAYES. I am coming to that. Forty-eight of those machines, out of a total of 151, will produce in 50 weeks, 24 hours a day, 1,920,000 gross, thus displacing 960 blowers.

Prof. BARNETT. One machine?

Mr. HAYES. No; 48 machines. There are now 151 in operation.

Prof. BARNETT. Yes.

Mr. HAYES. Well, take 48 out of 151 and it will produce 1,920,000 gross. This amount would require 960 men to make in 11 months.

Prof. BARNETT. Nine hundred and sixty men?

Mr. HAYES. Yes.

Prof. BARNETT. So that would be, then, how many men—151 would make—that would be over 3,000 men?

Mr. HAYES. A man will make about 30 gross in a shift of eight hours and a half.

Prof. BARNETT. So that you have, since 1904, then, down to 1913, you have had enough machines come into the trade to make as many bottles as 3,500 men would have been required to make?

Mr. HAYES. Yes.

Prof. BARNETT. That is the situation, is it?

Mr. HAYES. Yes, sir.

Prof. BARNETT. Does this machine make all kinds of bottles?

Mr. HAYES. It does now, all except demijohns and carboys, and is preparing to make them.

Prof. BARNETT. Does it make small bottles?

Mr. HAYES. It is making 2-ounce bottles now.

Prof. BARNETT. So there is no particular part of the trade which is safe from the machine?

Mr. HAYES. No, sir. Machinery develops, you know, as it goes along.

Prof. BARNETT. Now, suppose we come to the policy of the union. What has been the policy of the union with reference to the automatic machine? You spoke a moment since of the three-shift system.

Mr. HAYES. Yes.

Prof. BARNETT. Will you explain how the three-shift system has helped you to dispose of this surplus of men?

Mr. HAYES. Well, when an automatic machine involves a trade like ours, an old, conservative trade, where men have always made bottles by hand, it is, first, a hard task to make them believe that there is a machine, and it is hard to make them believe it could make good ware, and to make any concession or change. It is like passing through the fires. And it was very hard to get our people to realize the conditions. So I thought we could meet it successfully, and I still think so. We can not make the wages we once did, but we can work and earn a living. So, in the beginning, I suggested that as the men were displaced, if the trade did not develop fast enough to take them up, to put on a fair shift of seven and one-half hours. Well, that has been tried in numerous places and it has been successful.

Prof. BARNETT. A third shift would help you by cutting down the number of hours?

Mr. HAYES. No; it would put another shift to work—put the third shift of men to work.

Prof. BARNETT. They would make that many more bottles, wouldn't they?

Mr. HAYES. Yes, sir.

Prof. BARNETT. Wouldn't it mean that in place of working six days a week that you would have to have three shifts working four days a week?

Mr. HAYES. Have three shifts working six days a week.

Commissioner O'CONNELL. The market would take care of the increased products?

Mr. HAYES. Yes, sir. The object was to keep the men at work, and in time there would be settling down or adjustment, then the trade would be educated up to the meaning of all this, and what we would just have to do. So that three-shift work is working successfully. Then, in several places they put on

four shifts in 24 hours, with 15 minutes for lunch. Well, that is working successfully in places where the fruit jars and milk bottles are made.

Commissioner O'CONNELL. How far has the three-shift system been introduced?

Mr. HAYES. In about two-thirds.

Commissioner O'CONNELL. Two-thirds of the factories working three shifts?

Mr. HAYES. Yes, sir.

Commissioner O'CONNELL. That has practically all come in since 1909 and thereabouts?

Mr. HAYES. Yes, sir. The whole idea was to employ the men displaced. That was the first effort.

Prof. BARNETT. And also did it not cheapen to some extent the cost of production to the employer and lessen his overhead charge?

Mr. HAYES. Yes, sir. A glass furnace run in two shifts will blow 18 hours, and the furnace will be idle the other 6 hours and glass is standing idle, and it will keep that furnace in operation constantly. There is a greater output, and it can be sold cheaper in the market.

Commissioner O'CONNELL. Did the machine aid the manufacturers going into foreign markets?

Mr. HAYES. Yes. I will come to that in a moment.

Commissioner DELANO. He got there?

Mr. HAYES. Got there with both feet.

Prof. BARNETT. Did you cut down the number of apprentices, Mr. Hayes?

Mr. HAYES. Yes, sir. I am coming to that in a moment. Yes; that was the next thing to putting on those shifts. Now, through mutual agreement the manufacturers took less apprentices, and some years none at all. Their belief and ours was that there would be no trade or work for these boys after they had served five years' apprenticeship. So for two years they abandoned taking any. That made work for nearly 1,000 men. But last year conditions were such that we resumed the apprentice regulations.

Prof. BARNETT. Why did you do that, Mr. Hayes?

Mr. HAYES. Well, the trade was beginning to pick up, we thought, and there are other machines which have come into the trade—hand machines. One employs three men on it and another two men and another one man. It is semi-automatic. These, by being able to produce cheaply—maybe as cheap as the automatic—are expanding and taking up the idle men; and that, of course, calls for apprentices.

Prof. BARNETT. Don't you think it would have been wise policy for the union, if it could have carried it through, to have cut off entirely the taking of apprentices until this thing could have adjusted itself?

Mr. HAYES. Well, no. We were justified in doing that; but the manufacturer must have boys; at least, he says he must work boys in the glasshouse, although boys are not necessary in glasshouses.

Prof. BARNETT. And he claims that he can not get boys unless he has an apprentice system?

Mr. HAYES. Well, the boys are needed in glasshouses because they are cheaper. But where they have to employ men they are getting along just as well as they ever did with boys. But it is hard to change old customs. I have known big glass plants to close down two weeks last spring on account of the scarcity of boys, and that kept so many men idle that the season was shortened by it.

Prof. BARNETT. Those boys were taken on the apprentice system?

Mr. HAYES. No; attending.

Prof. BARNETT. Do the manufacturers claim they could not get enough boys unless some of these boys became apprentices?

Mr. HAYES. No, no.

Prof. BARNETT. That was not the argument?

Mr. HAYES. No. This was the proposition, and it is another moss-grown system that grows up with institutions.

Prof. BARNETT. How much did an apprentice get?

Mr. HAYES. An apprentice gets now about 30 per cent of what a journeyman earns. He used to get 50 per cent.

Prof. BARNETT. But now he gets 30 per cent?

Mr. HAYES. Yes, sir. We have suffered in reduction of wages.

Prof. BARNETT. Yes; but the apprentice gets less than he used to?

Mr. HAYES. Oh, certainly he does; and so does the journeyman.

Prof. BARNETT. I mean relatively less.

Mr. HAYES. Yes, sir; relatively to the journeyman.

Prof. BARNETT. He used to get 50 per cent and now he gets 30 per cent?

Mr. HAYES. Yes, sir. I would like to explain that. I have heard some remarks made here and have seen some things in the newspapers about trade-unions and apprentices. Will you let me explain it?

Prof. BARNETT. Yes; surely.

Mr. HAYES. The trades-unionists here personally know why a labor organization tries to limit apprentices; but I don't think there is any trade in the world like ours. We have a five-year apprentice system—five years during which an apprentice works for 50 per cent of the journeyman's wages or the standard wages in the trade. Now, the old method of blowing glass, it took the boy about five years to learn to be a real glass blower; that is, so that he could learn to make any kind of a bottle that came along. But in these days he has to make only one bottle, and he is a specialist; and the thing is he can make as much ware—he is youthful and active and he can make as much ware or more ware than the journeyman, and so he is set for the five years on that one thing, and that is not the object of apprenticeship. There is no desire to teach him the trade. The desire is to make money. Now, here comes us blowers who served this time, and when we are or when we have become proficient we are discharged because the apprentice is cheaper. He will do the same work for 50 per cent less than us. Well, if that system was allowed to continue—the journeyman working at the standard and the apprentice at 50 per cent—we would have the apprentice the journeyman and the journeyman the apprentice. And those of us who have worked for five long years and given our employers the 50 per cent of our earnings, we have a moral claim on that trade to work at it, and we insist on the right of working at it.

To say that trade-unions limit apprenticeship, or restrict it, that is only one part of the truth. We come now to a time that the employer is as eager to restrict as we are, in recent years. He knows that in this growing country that it is a misfortune to have skilled labor that there is no work for. He knows that capitalists will get these skilled laborers—people who have no knowledge of the conditions in the trade, and they will be tempted by this cheap labor, and it means business failures and loss. It may be a year or two, as I seen happen over 50 times.

But now we have changed the apprentice system down to four years, and allowed him to hold back only 30 per cent of his wages—no, wait a moment. There is less held back, but I haven't got the figures with me. Where there was 50 held back now there is only 30.

Prof. BARNETT. He gets 70 per cent now?

Mr. HAYES. Yes, sir. I think I am right about that. And we have made the terms four years. Now, trade-unions don't want to limit apprentices. I don't believe in it. The American Federation don't believe in it. If it did it would not have organizers traveling over the country trying to organize labor and trying to inspire the young men to learn a trade. But it is only where the employers try to displace the journeymen for cheaper wages that we claim we have a right of protecting ourselves in a right that we paid for.

Now, I say that two years they agreed to take none, and one year they took 1 to 20 men; whereas the rate was 1 to 10. That shows the relations of some of those manufacturers who have no automatics and can not get any; and some of them that have 14 and 15 automatics, yet also employ blowers. I have seen manufacturers who did not want a reduction in wages. They fight against it as hard as we did the automatic, and they claim that to reduce the blowers, that it reduces the selling price and makes a larger profit than it does to pay for that equipment.

Commissioner LENNON. This increase in the wages of the apprentices, will this not lessen the incentive of the employers to put on apprentices, and will it not make it easier for you, if you find it necessary to cut out the full apprenticeship, to do that? I don't know whether I make myself clear.

Mr. HAYES. Yes, you do.

Commissioner LENNON. In order to keep—when you speak of giving the employer 50 per cent, the employer just kept it?

Mr. HAYES. We did not give it to him, he took it.

Commissioner LENNON. Yes; that is the truth of it. And you can see how the employer might resist very strongly having the number of apprentices cut down?

Mr. HAYES. Yes, sir.

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Commissioner LENNON. Now, if you require him to pay that boy over 30 per cent his resistance to the reduction of the number of apprentices would be very much less?

Mr. HAYES. Yes.

Commissioner LENNON. So that was part of the idea in introducing that rule?

Mr. HAYES. Yes. But if we can carry through our plan there will be work for the blowers and the apprentices too; but it may take us some time to do it.

Now, the next point to come was the reduction in wages. In the four years we have stood reductions amounting to 38 per cent of our wages.

Commissioner LENNON. Level on all articles?

Mr. HAYES. Pretty nearly level on all the articles, except the demijohns and carboys.

Commissioner LENNON. To start with these reductions were not uniform on all the articles, but you started, I presume, on the articles on which the machines operated?

Mr. HAYES. No, sir. They were introduced on the work that the machines did.

Commissioner LENNON. And in the start you did not make the reduction on the very small bottles?

Mr. HAYES. We did not.

Commissioner LENNON. Why was that?

Mr. HAYES. Because the machine was not making them.

Commissioner LENNON. Well, they were not reduced?

Mr. HAYES. No, sir.

Commissioner LENNON. But the machine is now making them, is it?

Mr. HAYES. Yes, sir; it makes 400 gross 2-ounce bottles in 24 hours. That has been done.

Commissioner LENNON. Do you think there is any necessity for reducing the wages?

Mr. HAYES. There is no excuse for reducing the wages. I have found that out.

Commissioner LENNON. Well, it is true that no other trade has ever faced the problem just as you have had to face it?

Mr. HAYES. Yes; here is the way it comes to us. He reduced wages, but a whole lot of our people didn't care—a whole lot of our own members—but that is natural. But here is the facts. You see your trade going from you. You see men set out in the street. You see a machine that can make bottles 50 per cent cheaper than the blower. You see them putting up million-dollar plants, and going to market and selling their ware \$1 cheaper than the blown article. And then you see that you have not got very long to live as trade unions, and you have got to act quickly. Now, the only practical thing under the circumstances that we could see to do is what I have already mentioned here, was to reduce the difference in the cost between the hand-made bottle and the automatic machine made bottle; to bring the cost closer. And if you could bring this cost closer you would be prolonging the life of the blown ware manufacturer and give the blower a longer period to work at his trade, and as time will go on some change or circumstances would happen that would give you an opportunity to still keep the blowers employed. So we took a 20 per cent reduction in 1909. Two years ago we took another reduction of 20 per cent, which figured up amounts to 38 per cent (36 per cent). That is pretty hard. Our men made good wages before the reductions. The glass blowers made from \$6 to \$18 and \$20 a day. Of course they were only the exception—the \$18 and \$20 men. That was for carboys and demijohns. But \$8 and \$10 were about the average wages for a glass-bottle blower. So by reducing it this difference in cost, there has been a check put to the installation of automatic machinery. Other manufacturers have come into the trade with other means that will employ blowers that are cheaper in construction and which do not require specially built plants. And notwithstanding that those machines will make 14 pint beer bottles in a minute and make 29 pint flasks in a minute, and make 400 gross of 1-ounce bottles in 24 hours, we have 7,000 men at work to-day and they are averaging from \$4.50 to \$5 a day.

It is hard medicine to swallow about this reduction in wages, but it was either do that or go out of the business.

Commissioner LENNON. You mean \$4.50 for the days they work?

Mr. HAYES. Four dollars and fifty cents to \$5 a day for the days they work.

Commissioner LENNON. Has there been much unemployment in the trade since 1909?

Mr. HAYES. Oh, yes.

Commissioner LENNON. How many men have you out of work now?

Mr. HAYES. We have now about 800.

Commissioner LENNON. How many did you have in 1909?

Mr. HAYES. Well, in 1907 and 1908 we had over 3,000 men out of work; and we spent that year \$322,000 to support those men—to help them.

Commissioner LENNON. So that from 1909 down to the present time there have been recurring periods of chronic unemployment in your trade?

Mr. HAYES. No. You might say—of course you can understand that this machine comes in like a storm, and men are thrown out hastily without any preparation; and men lose their heads, and one plant—well, all the way from the Mississippi River to Goldsboro, N. J., plants are closed down and the automatics are installed. We have had a good many men; but now we are trying to find employment for all. We have to-day over 800 men idle—good mechanics.

Commissioner LENNON. That is about the same you had last year?

Mr. HAYES. No; we had over 1,400 men last year.

Commissioner LENNON. So times are better than they were then?

Mr. HAYES. No; no better. They were better up to the last of December, but not now.

Commissioner LENNON. Only 800 out now, did you say—

Mr. HAYES (interrupting). Yes; 800.

Commissioner LENNON (continuing). And 1,400 last year?

Mr. HAYES. As I told you, putting on these extra shifts and taking advantage of every little thing that would put a man to work, we have taken advantage of it.

Commissioner LENNON. You think the numbers of glass-bottle blowers, if reduced much further, would furnish an incentive for men to go into the trade?

Mr. HAYES. No; it would furnish an incentive, but the men might not. I don't think there will be any more reductions on the ware that has already been reduced.

Commissioner O'CONNELL. So that particular remedy has gone as far as it seems practicable?

Mr. HAYES. Yes; we have found another way now, and we have started out on that, and think we are going to be successful.

Commissioner LENNON. Do you mind saying what that is?

Mr. HAYES. Yes; unless you want to ask me some more questions.

Prof. BARNETT. Suppose before you go into that—you said a moment since, Mr. Hayes, that you used to have about two months' stop in the summer—July and August—and only one month now?

Mr. HAYES. Yes, sir.

Prof. BARNETT. That is due to the introduction of the machines?

Mr. HAYES. Yes; the automatic.

Prof. BARNETT. How do you explain that?

Mr. HAYES. You see, the automatic works every hour in the day, and Sunday, and, really, I believe it worked the 4th of July; and for that thing to be going on all the time and shipping bottles to the brewers while our fellows were idle—you see, we have to do something for our employers who still employ blowers. He has not got a machine, and is doing his best to stay in the business; and we shorten the time from two to one month, and that is—

Prof. BARNETT (interrupting). Now, then, if you do not mind explaining just what you propose—what your new plan is?

Mr. HAYES. Well, yes, I will do that. I don't know that I just ought to do it, though, at this time.

Acting Chairman WEINSTOCK. Would it be subjecting you to too much inconvenience, Mr. Hayes, to have you report back Monday morning, at 10 o'clock, as it is now time for our adjournment?

Mr. HAYES. Very well.

Acting Chairman WEINSTOCK. We will ask you, then, to be here at 10 o'clock Monday morning.

The hearing is now adjourned.

(Thereupon, at 4.30 o'clock of this Saturday, June 27, 1914, the further hearing of this matter was adjourned until 10 o'clock Monday morning, June 29, 1914.)

PHILADELPHIA, PA., June 29, 1914—10 a. m.

Present: Commissioners Weinstock (acting chairman), Lennon, and O'Connell. Prof. George E. Barnett, special counsel.

Acting Chairman WEINSTOCK. The commission will please come to order.

TESTIMONY OF MR. DENIS HAYES—Continued.

Prof. BARNETT. Mr. Hayes, have you anything else to add to what you said on Saturday?

Mr. HAYES. No, sir; except in regard to our insurance. At the death of a member we pay the 10 cents.

Prof. BARNETT. Each member?

Mr. HAYES. Each member is assessed 10 cents and the limit is \$500; that goes to the legatees of the deceased member. Sometimes the assessment of 10 cents on a death will bring in enough to pay three or four or five death assessments, so we accumulate a sum and it runs along for four or five or six months that our members do not have to pay any assessment.

We have no out-of-work fund. We have always believed because of the wages made in our trade it was not necessary to have such a fund; but we do spend quite a little money in sending men to places where there is employment, or where there are vacancies. We spend quite a sum for transportation; that is, at times, in hard times or unfavorable times.

Prof. BARNETT. Is that a loan?

Mr. HAYES. In some respects it is a loan. If a member can pay it back, we expect him to do so, at the rate of 10 per cent on all his earnings, while employed, of course. But if luck continues against him we do not press it at all.

Prof. BARNETT. You spoke on Saturday of having paid \$320,000?

Mr. HAYES. Yes, sir.

Prof. BARNETT. During 1909 and 1910?

Mr. HAYES. 1907 and 1908.

Prof. BARNETT. 1907 and 1908?

Mr. HAYES. Yes, sir.

Prof. BARNETT. Was that in the form of loans, ostensibly?

Mr. HAYES. No, sir.

Prof. BARNETT. How was it distributed?

Mr. HAYES. As relief.

Prof. BARNETT. Just given?

Mr. HAYES. Yes, sir; as relief.

Prof. BARNETT. As men out of work?

Mr. HAYES. Yes, sir.

Prof. BARNETT. Were they paid any specified sum?

Mr. HAYES. Yes, sir.

Prof. BARNETT. So much a week, I believe?

Mr. HAYES. Yes, sir. Journeymen get \$8 and apprentices \$5. I think that is all I have to say now, unless you wish to ask me some questions.

Acting Chairman WEINSTOCK. May I ask you, Mr. Hayes, how many glass blowers there are in the country, so far as you know?

Mr. HAYES. In the country?

Acting Chairman WEINSTOCK. Yes, approximately.

Mr. HAYES. Nearly 40,000.

Acting Chairman WEINSTOCK. Out of that number, how many are organized?

Mr. HAYES. Well, I can not speak very definitely beyond our own trade. I can not tell you about the flint or window glass workers.

Acting Chairman WEINSTOCK. I mean the bottle blowers?

Mr. HAYES. The bottle?

Acting Chairman WEINSTOCK. Yes. Bottle blowers.

Mr. HAYES. Well, we have a membership, if I count the apprentices we have about 16,000 or 17,000; between 16,000 and 17,000 bottle blowers. Out of that number there are about between 700 and 800 unorganized.

Acting Chairman WEINSTOCK. You say you have between 16,000 and 17,000 bottle blowers?

Mr. HAYES. Counting apprentices.

Acting Chairman WEINSTOCK. In the country?

Mr. HAYES. Yes, sir. Bottle makers. That is under the jurisdiction of our union.

Acting Chairman WEINSTOCK. I see.

Mr. HAYES. I am counting the apprentices now.

Acting Chairman WEINSTOCK. They are practically all in the union, except about 700 or 800?

Mr. HAYES. Between 700 and 800.

Acting Chairman WEINSTOCK. What monthly dues do your members pay to the organization?

Mr. HAYES. Local dues, about 25 cents.

Acting Chairman WEINSTOCK. Twenty-five cents a month?

Mr. HAYES. A month; yes, sir.

Acting Chairman WEINSTOCK. Are there any other dues besides that?

Mr. HAYES. The assessment to the national association is 1 per cent on their earnings.

Acting Chairman WEINSTOCK. That would approximate about what per man—average?

Mr. HAYES. I can not exactly tell. Every man earns different. It is piece-work.

Acting Chairman WEINSTOCK. Well, you can give some clear idea what the average earnings per year of a bottle maker are?

Mr. HAYES. The average earnings now would probably be between \$1,000 and \$1,200, I think. That brings in—I can not say. I did not bring the figures down with me, but I could have done so.

Acting Chairman WEINSTOCK. I am not interested now in the amount of money that brings into the union. I am simply interested in knowing about how much each man pays on an average.

Mr. HAYES. Of assessments?

Acting Chairman WEINSTOCK. Yes.

Mr. HAYES. I can't very well say that.

Acting Chairman WEINSTOCK. You say the average earnings of a man are from about \$1,000 to \$1,200 a year?

Mr. HAYES. I said that probably that the average wage now is between \$4.50 and \$5.50 a day.

Acting Chairman WEINSTOCK. Well, there is quite a distinction, as you know, between wages and earnings.

Mr. HAYES. I mean earnings.

Acting Chairman WEINSTOCK. But I say, Mr. Hayes, a man may receive \$5 a day wages and yet his annual earnings might not exceed \$600 or \$700.

Mr. HAYES. Yes; I know.

Acting Chairman WEINSTOCK. Give me an approximate idea of what the average annual earnings are?

Mr. HAYES. Well, I would say between \$1,200 and \$1,300.

Acting Chairman WEINSTOCK. Then he pays about \$12 or \$13 a year assessment?

Mr. HAYES. Yes.

Acting Chairman WEINSTOCK. And \$3 a year for monthly dues, making it about \$15 a year he pays?

Mr. HAYES. Yes.

Acting Chairman WEINSTOCK. What is the initiation fee of your union?

Mr. HAYES. Five dollars.

Acting Chairman WEINSTOCK. Five dollars.

Mr. HAYES. Yes.

Acting Chairman WEINSTOCK. Well, what union is it among the glass blowers that charges \$500 initiation fee?

Mr. HAYES. Well, I don't think that it can be called an initiation fee. We have been charging \$500 initiation fee to foreign glass blowers, glass blowers from other countries that came here. They have come here in sets—crews, we call them—came here in times of strikes and trouble and took whole factories away from us; and then there is quite a few came individually, and we put on \$500 initiation fee. That wasn't anything like a general initiation fee; it was special. It was protection.

Now, at one time I think the window-glass blowers charged \$500 for the same purpose on foreign workmen. We can not work in their country, and we don't think they should bother us.

Acting Chairman WEINSTOCK. I am not in a position, Mr. Hayes, to put my finger at this moment on the authority, but I can only say that statements have been made at previous hearings of this commission in Washington some months ago.

Mr. HAYES. Yes.

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Acting Chairman WEINSTOCK. I think made by some employers; I can't recall just who.

Prof. BARNETT. I think I can straighten you out on that. Mr. Emery made this statement on foreigners, but it was only as to foreigners that it applied. He read it from the constitution.

Acting Chairman WEINSTOCK. Have you got a copy of the constitution that covers that point?

Mr. HAYES. Yes.

(The witness submitted in printed form a copy of the constitution, by-laws, and appendix of the Glass Bottle Blowers' Association of the United States and Canada.)

Acting Chairman WEINSTOCK. Will you be good enough to read it for our information?

Mr. HAYES. Yes; I will [examining book]. I must beg your pardon for being so long in finding this, but it is not indexed. However, it is true what I tell you—I can find it in a minute—that \$500 is the initiation for a foreign workman.

Acting Chairman WEINSTOCK. Now, would that mean, that is, the initiation fee is \$500 so far as foreign workmen are concerned?

Mr. HAYES. Yes.

Acting Chairman WEINSTOCK. Does that hold to-day?

Mr. HAYES. Yes, sir; that holds to-day; \$500 for foreign workmen.

Acting Chairman WEINSTOCK. That still holds to-day?

Mr. HAYES. Yes.

Acting Chairman WEINSTOCK. What is the definition, from the point of view of your union, for a foreign workman? Does that mean a foreign-born workman?

Mr. HAYES. Foreign born; yes. A man who learns his trade in Europe.

Acting Chairman WEINSTOCK. When does he cease to become a foreigner from the union's point of view?

Mr. HAYES. From our union's?

Acting Chairman WEINSTOCK. Yes. When does he cease to be a foreigner?

Mr. HAYES. When he is admitted to membership.

Acting Chairman WEINSTOCK. Well, from when?

Mr. HAYES. That is, there is no further disadvantages; or, in other words, there is no further distinction made when he is admitted and he pays his initiation fee. We allow him to pay at the rate of 25 per cent on his earnings.

Acting Chairman WEINSTOCK. Yes. On the one hand you say that a foreigner is not admitted, and on the other hand you say his disabilities are removed when he is admitted. If he is not admitted, how are his disabilities to be removed? Isn't it very much like, "Mother, may I go out and swim? Yes; my dearest daughter. Hang your clothes on a hickory limb, but don't go near the water."

Mr. HAYES. Well, I think we met that in a pretty reasonable way. We accept him to membership if he comes over here singly or one or two or three if we are sure he does not come over here because of a strike or dispute or as a result of an advertisement on the part of the employer, and we will admit him on conditions that he pays this \$500 initiation fee at the rate of 25 per cent of his earnings. Sometimes, if he has a bad run of luck or if he is idle, we remit that for six months or for a year. We don't press hard on the man. In fact, we have no objections to the foreign workman. I told you this arose at a time when they came here during a strike and took factories away from us and made it very hard for our members. And, of course, they are attracted to this country; the wages attract them. They don't come now, though, quite as frequently as they formerly did. The presence of machinery, and so forth, has discouraged them.

Acting Chairman WEINSTOCK. Prof. Barnett refreshed my memory on the testimony of Mr. Emery.

Mr. HAYES. Who?

Acting Chairman WEINSTOCK. Mr. Emery.

Prof. BARNETT. He is counsel for the National Manufacturers' Association?

Acting Chairman WEINSTOCK. He spoke before the commission representing the manufacturers that took this ground; and in taking this ground he voiced the sentiments of a great many employers who are not in sympathy with the methods of organized labor. He took the ground that wherever organized labor could it established monopolies, and he pointed to the glass-blowers' association as an illustration of that; and he made the statement that the glass blowers, in order to establish their monopoly, in order to prevent men

who were foreigners but who were otherwise fit, decent, and respectable men from earning a living at their trade, it had fixed a prohibitory initiation fee of \$500, and on top of that had established examinations which were practically prohibitory, and that as a consequence a glass blower who was not in found it almost, if not actually, impossible to get in; and we would like to get your answer to that from your point of view.

First of all, is that a fact what Mr. Emery stated, that not only is the initiation fee \$500, but that the examinations are made practically prohibitory, and that the purpose of it all is to establish labor monopoly by glass blowers?

Mr. HAYES. Well, as the president of the glass-bottle manufacturers is here this morning, I won't say anything very uncomplimentary of a member of his association; but that man simply contradicted himself.

Acting Chairman WEINSTOCK. Mr. Emery?

Mr. HAYES. Yes.

Prof. BARNETT. He is not a member of the glass bottle manufacturers' association, but counsel for the National Manufacturers' Association.

Mr. HAYES. Well, that is like some of the statements made here last week, you know. You see, if we were to establish a monopoly, we would not keep that amount up at all. We could not have a monopoly unless we got control of all the workmen. You see, to keep that man out—he would go to a nonunion factory and get a place for 25 or 50 per cent less than us and smile at our plan of making a subject of him. Now, the fact is—maybe it is not good policy to tell it—but these men can come in free here and get into our unions free of charge if they wanted to.

Acting Chairman WEINSTOCK. How?

Mr. HAYES. Just simply go to work in a nonunion factory. We would be around after them in a few weeks. We have a permanent reception committee. And that is an absurd statement. A trades-union must get in every available workingman. It is necessary to establish something like a living rate of wages, and it is necessary to enable our employers to pay us a living wage or a wage scale. For this reason, if there is a class of men in the country who are working cheaper than we are, in a sufficient number, they can put goods on the market at such a price that our employers can not meet them or can not pay us the wages.

Well, you see the result. We would have to lower wages or remain idle and let the trade drift out to the cheaper concerns.

Well, now, this Mr. Emery, he is just like some of the witnesses you had here last week who told you so much about trade-unionism, and all the good that they were doing for their men, but they did not get down to the facts. Now, the matter is this: We have no examination. The employer selects his own apprentice, selects him; we have nothing to do with the selection. He serves his term of apprenticeship, and we will not admit him to our union unless he has a clearance paper from his employer. So, you see, Mr. Emery is away off.

Acting Chairman WEINSTOCK. How many employees, Mr. Hayes, are unionized?

Mr. HAYES. Well, I think there are about nine firms, and they are mostly small firms, with the exception of two.

Acting Chairman WEINSTOCK. That are unionized?

Mr. HAYES. With the exception of about nine.

Acting Chairman WEINSTOCK. How many are nonunionized?

Mr. HAYES. Well, those are the only ones—about nine.

Acting Chairman WEINSTOCK. Nine that are nonunionized?

Mr. HAYES. Yes; nine plants.

Acting Chairman WEINSTOCK. And in the aggregate they employ about how many men?

Mr. HAYES. I just said between 700 and 800.

Acting Chairman WEINSTOCK. Between 700 and 800?

Mr. HAYES. Yes; 700 and 800 nonunion men.

Acting Chairman WEINSTOCK. Well, then, if a glass blower is unable to meet your terms—the terms of your union—and pay his \$500 on the basis of 25 per cent of his earnings the time he is employed, and if he is unable to pass whatever examinations you establish—

Mr. HAYES (interrupting). We have no examinations.

Acting Chairman WEINSTOCK. You do have no examination?

Mr. HAYES. No; we have none.

Acting Chairman WEINSTOCK. Mr. Emery was mistaken in that point, then?

Mr. HAYES. Sir?

Acting Chairman WEINSTOCK. Mr. Emery was mistaken on that point?

Mr. HAYES. Yes; certainly; we have no examination.

Acting Chairman WEINSTOCK. Well, then, if he is unable to meet your terms by paying \$500 in installments equal to 25 per cent of his earnings, his only hope of finding employment would be among those nine nonunion concerns?

Mr. HAYES. He could go into a nonunion factory; yes.

Acting Chairman WEINSTOCK. Well, what is the philosophy of your union under any circumstances charging a \$500 admission fee, when the admission fees of your unions generally are only a small fraction of that?

Mr. HAYES. Well, now, you will recall that I made a distinction. I said the initiation fee to native glassworkers, or, in other words, to men who learned their trade in this country, is but \$5.

Acting Chairman WEINSTOCK. Does your by-law qualify that? Does it say clearly that it would be \$5 for a native and \$500 for a foreign worker?

Mr. HAYES. Not natives, but those who are journeymen. I will give you this book in a minute, and you can find it. I was just looking for that. They pay \$5, those who learn the trade here. Of course, they don't have to be natives, because if our trade depended on natives there would be few very skilled glassblowers. But the \$500, as I told you, was to meet a special case.

Acting Chairman WEINSTOCK. When did that case occur?

Mr. HAYES. It occurred about 12 or, I think, 14 years ago. And within quite a few years they came here in numbers during the winter, when we had lots of men idle, or quite an unusual number.

Acting Chairman WEINSTOCK. Yes. Well, it strikes me, Mr. Hayes, that as a mere matter of policy, it is unwise to have that, because you place a weapon in the hands of your opponents who can use it as Mr. Emory used it.

Mr. HAYES. How is that?

Acting Chairman WEINSTOCK. They can point out that the union is trying to establish a labor monopoly by putting a prohibitory initiation fee on.

Mr. HAYES. Well, you see, \$5 to join our union; that is, \$5 for a man who has learned his trade in this country, that is not prohibitory.

Acting Chairman WEINSTOCK. No; that is below the average trade, a good deal below.

Mr. HAYES. Especially if you take into account the wages he earns and the hours he works, and the month's vacation, and the insurance, \$5 is not much. But we can not be accused of trying to establish a prohibitory initiation fee, because we are trying to protect the men who learn the trade in this country and pay for the privilege of learning it, from the competition of a man who comes over here simply through the attraction of better wages, and to get another man's job. We will protect our own members.

Acting Chairman WEINSTOCK. Do you know of any other union, Mr. Hayes, that differentiates in its initiation fee between a man who has learned his trade here and the man who has come here?

Mr. HAYES. Well, I would not say. I don't think I would like to be quoted, but the window-glass blowers, I believe there was a time when they charged \$500. At the same time, over one-third of the window-glass blowers is composed of foreigners, men who learned their trade there, and I think that they tried to stop the rush by putting on this cost. There is hardly any difference between blowing window glass in Europe and in this country, but there is a difference in blowing bottles.

Acting Chairman WEINSTOCK. You made the statement a minute or two ago that if we had to depend on the native glass blowers there would be very few glass blowers in this country, that the great body of them are foreign workers.

Mr. HAYES. No; I would not say the great body, but they are of foreign—

Acting Chairman WEINSTOCK (interrupting). Extractions?

Mr. HAYES. The sons of foreigners; yes. I speak now of the time, you know when boys who went to work, a great many of them were the children of German and Irish and English parents. That is what I mean by that. I am just looking back to the time when I was a boy. Well, I think it is about the same now. There are other races coming in now.

Acting Chairman WEINSTOCK. In how many instances have you had that come under your notice, Mr. Hayes, or where the \$500 initiation fee has been paid?

Mr. HAYES. I did not—I doubt if it has been paid in over 75 cases in the last 15 years.

Acting Chairman WEINSTOCK. How much has your union increased in the last 15 years? Can you recall about what strength you had 15 years ago?

Mr. HAYES. Well, it has increased 7,500.

Acting Chairman WEINSTOCK. Then about 1 per cent of the increase was from foreigners?

Mr. HAYES. Yes.

Acting Chairman WEINSTOCK. Who paid the \$500?

Mr. HAYES. Yes, sir.

Acting Chairman WEINSTOCK. And 99 per cent were from those who were here and who only paid \$5?

Mr. HAYES. That is it. As I told you, this rule was not made to get money. It was merely to stop them from coming.

Acting Chairman WEINSTOCK. Are there any questions you would like to ask, Mr. Lennon?

Commissioner LENNON. Yes.

Mr. Hayes, suppose a bottle blower comes from Belgium, or some other European country where they make bottles, and has a union card, comes here by himself, with his family, and in good faith goes to a bottle factory controlled by your organization and gets work, what would be his initiation fee?

Mr. HAYES. Well, his case would take this routine: His card, with the letter, would be sent to our office, and if the man had a good case and his application, his card showed him to have come here of his own free will and to be in earnest to seek work, I would make a special provision; we would make a special provision in his case. We would let him in for \$25.

Commissioner LENNON. Do you have as many come in in that way, individually, personally, as comes in in teams or in bunches, as you say, that you want to exclude?

Mr. HAYES. They usually come in in threes, twos, and threes. On two occasions they came 25 and 32.

Commissioner LENNON. As new members admitted to your union during a year's time, what proportion of them are American mechanics?

Mr. HAYES. Born here?

Commissioner LENNON. Yes. Probably born here or learned their trade here, anyhow?

Mr. HAYES. Well, nearly all of them.

Commissioner LENNON. What I want to get at is, what proportion do you admit for \$5 in comparison to those who have to pay the \$500?

Mr. HAYES. Well, the \$500, that is almost, well, it is a negligible quantity.

Commissioner LENNON. You don't have more than a few a year, one or two a year?

Mr. HAYES. Don't have a few a year.

Commissioner LENNON. Don't have a few a year?

Mr. HAYES. No, sir. None last year and none this year.

Commissioner LENNON. Then this law evidently is a law that is more for its mental influence upon glass blowers in the old country, to keep them away from here?

Mr. HAYES. That is what it is.

Commissioner LENNON. When was your union organized first?

Mr. HAYES. In 1847.

Commissioner LENNON. It has had a continuous existence, has it?

Mr. HAYES. Yes. There were local unions in New Jersey at the time of the Revolutionary War, places like Glassboro, Alloway. They were local. Three or four would form what you call a league and eventually spread to the West, to Pittsburgh.

Commissioner LENNON. What class of citizenship, as to being law-abiding, and men who take an active interest in the welfare of the community in which they live, how do the glass blowers compare with other citizens?

Mr. HAYES. Well, I think they compare very well. It is only natural that I would say that, but I will refer you to the president of the manufacturers' association, who, I think, will follow me. There was a time when the glass blowers had the name of being hard drinkers, like in other trades, but I could explain a good deal about that probably by entering into a long argument that is not necessary.

Commissioner LENNON. That isn't necessary.

Mr. HAYES. No. But the fact here remains that there is no more temperate set of workers in the country to-day than the glass blowers. I remember 25 years ago of seeing a frightful, a whole factory idle in St. Louis, probably through the heat, but the boys' boss said it was from drink. But a few years ago I met that gentleman and he is now president of the largest glass concern

in the world, the Illinois Glass Co., and he said in the year previous there had not been a man who had lost an hour's work on account of drink. The discharges for drink in our trade, I have not heard of them in the last four years. So I think they are good.

Commissioner LENNON. What social position does the glass blower hold in the city of Alton, Ill.?

Mr. HAYES. Excellent; first class. I would like to say a few words on that.

Commissioner LENNON. In Alton they really dominate the social life of the city, do they not?

Mr. HAYES. Yes, sir. I would like to say that in neighboring towns across the river, glass towns—I say this not to boast, but to offer an evidence of what good wages will do. If you go to towns like Melville and Salem, and other glass towns, you will find that most of the doctors and lawyers and professional men in the town are the sons of glass blowers that have been able to educate their children; and I feel proud of that myself, because it puts a very different view upon the trade-union from what you may have often heard, that wages lead to excesses, and I consider that a slander on trade-unionism.

Commissioner LENNON. Mr. Hayes, the prime object set forth in the law creating this commission is to investigate the underlying causes of industrial unrest and suggest such remedies as the commission may in its wisdom devise—or in its foolishness, as the case may be. What recommendation would you make as to what are the causes of industrial unrest, and what would you suggest as remedies?

Mr. HAYES. The industrial unrest here?

Commissioner LENNON. Yes; in the United States.

Mr. HAYES. You want to hunt up a wiser man than me. You see you had all the wise men here last week, and they told you all about it.

In answering your question I would ask to be allowed to refer indirectly to some of the statements made here last week. Of course they were public, and I think I have a right to refer to them.

Now, last week the same questions were asked of gentlemen—large employers—about the unrest here and the causes of the general uneasiness and the feeling between labor and capital. Well, Philadelphia affords an example that will serve as an answer to one of your questions. It was brought out here last week that this is a very poorly organized city, which is true; but the workingmen are not to blame for that. The point overlooked by the gentlemen last week was this: That, while they told a great many things, especially about what they did for their working people and their beneficence and generosity and humanity, there was nothing said about did the men receive the wages they earn. That is the point. Put everything else to one side. No man who receives what he earns wants any company doctors, any company stores, or any company nurses. He does not want any interference from anyone except that interference which concerns his work direct.

Another gentleman said he thought the labor question, or something like it, could be solved by going on sort of a social basis with his workmen.

The best plan I have found in 35 years is that the least you have to say to the boss the better, and the least the boss has to say to you the better. Too much familiarity breaks down discipline, and it causes both sides to lose dignity. Do you know how many men, or when they get too familiar, they would not hesitate to ask you to take a 15 per cent reduction in your wages, and they can always tell you that times are bad. But here in Philadelphia my observation has been—and I felt this keenly—there are thousands and thousands of good workmen and people here, and many of them are now idle. They do not earn enough when they work to purchase all the things they need. They do not earn enough when they work to lay by enough to tide them over periods of what we call artificial distress.

These hard times, or times of unrest, are not natural; they are manufactured. They are partly political, and that is the whole thing in all the big mills here. There is surveillance; I say there is spying; I know it; I have had experience here in strikes, and I know that the whole effort to keep the men disorganized is in the hope of producing cheaper than their competitors; and I often think it causes some of the philanthropists in this city more money to run on the nonunion plan that it would to run union and pay good wages.

That is one thing that I see here. The idle men—they can not purchase what they want. The mills are idle. It is a false sense of economy. That is one of the main things that is wrong here. To pay as little as you can and then, if

possible, to keep out all foreign products and build up—well, sell them to whatever American has any money.

This is a great manufacturing city, and a great many working people, women and children especially, here—but I say there are lower wages paid here than in any city in America; and the gentleman who said last week that as good a wage is paid here as is paid anywhere else—I say that is absolutely misleading, and he can not prove it. He said workmen tell him so. Why didn't he mention the names or bring them forward?

Another gentleman said here—he insulted every workman in Philadelphia when he said they could join unions if they wanted to. He said they did not want to. That means that men would sooner work for low wages than high wages. That is such an absurdity that nobody can pay serious attention to it.

I say about Philadelphia—and you might say it generally—there must be an education that will overcome prejudice, this prejudice that exists between the employer and the workman; and it is a good thing to say that it is breaking away; it is breaking down; and no real employer has any respect to-day for the catering, cringing workman who expects to get a job by buying another fellow's job.

To return again to Philadelphia, all these big establishments here, they pay \$6, \$7, \$8, and \$9 a week to men with families. You ask the cause of the unrest; can't you see it? Who can support a family on wages like that? If we get as much justice in this city as we get advice and alleged assistance, we would be all right. I get tired of that. That is nauseating. If an employer tells me what he does for his workmen, I only want to know one thing: Do you pay them what they earn? Do you pay them standard wages? Or is it a wage scale set up by yourself? Some of the men said last week, one gentleman, the head of a big concern, said he didn't think he could run the thing if he had union labor. They would run his business. He never said anything about his conducting or running the affairs of labor. We have a business in this world. We want to work. When we were children—and nobody can ever pay us for what we lost when we failed to get an education. All the money in the glass industry would not pay me for the sense of the wrong in my failure to get an education. I gave my life to learn my trade. That is my capital. I have business to protect my trade, protect my interest, protect my fellow workmen. When a man says "If we had a trade-union they would run our business," that is a sorrowful, worn-out, moss-grown old story. I may get a little intense about this, but if you had lived here as long as I did and saw and heard things that I do, I guess you would be like myself.

You asked me about this. I believe that there never will be a better solution until there is the highest sense of justice implanted in the minds of all men. They may come, and the only sense of justice comes from a Christian source, and if there was more Christianity injected into labor and industry there would be less hardship; but they have the pretensions of Christianity, and no evidence of it in the practical work. I fail to grasp the meaning of that. Whether this commission—of course, there are men on this commission who know more about this thing than I do, but that is my innermost belief, whether it will ever be realized or not is all right. Of course I believe it will.

I believe it would be very well for this commission to consider the advisability of recommending to Congress, or to have recommended to the different States, a system of teaching in the public schools on economy, the rudimentary elements of economy.

Acting Chairman WEINSTOCK. You mean political economy?

Mr. HAYES. Yes; political economy. I mean that economy that will teach the young man how to overcome poverty in an honest way. If poverty was God given, everybody would be poor. But it is not God given. That it is not ordained from Heaven there is evidence of that all around you. There is teaching so much in the public schools, and in all schools, and I think there is one principal thing overlooked; that is, to teach—you call it political economy—the creation and distribution of wealth. Well, I will simplify it by saying to teach the children the rudimentary elements to overcome poverty. That would include temperance, that would include honesty, that would include justice as between man and man. That is my idea. It is hard to realize this until you spend 10 or 20 or 30 years in this movement; to start out with justice firmly embedded in your nature and to believe in a divine purpose, and to imagine that all the world does it, because it practices it, but when you get up against the industrial situa-

tion to find there is no such belief at all. There is a belief, but I mean there is no such thing as a practice of it.

Acting Chairman WEINSTOCK. The point right here, Mr. Hayes, granting that your ideal would bring about the best conceivable condition, that is the ideal of every man, whether he be employer or worker, being filled with a spirit of economy—

Mr. HAYES. Yes, sir.

Acting Chairman WEINSTOCK. Simply striving for justice and nothing more than justice?

Mr. HAYES. Yes, sir.

Acting Chairman WEINSTOCK. Admitting that when all men are educated up to their standard and aim, simply to get that which is their just due, and nothing more, that we will have the best conceivable condition; pending that, however, and to make a decade's, to make it a generation's time, to have centuries pass before all men will have been educated up to the standard, pending that ultimate, the question is what is the best possible condition to establish industrial peace and to minimize industrial unrest? Do you know of any better possible condition during that interval than that of mutual organization and trade agreements?

Mr. HAYES. I was just going to come to that. I don't know any better than the things I have said, but I believe the time is now at hand, and there will never be any industrial peace without them. And I believe that the work of your commission is going to tell and be felt all over this country, and labor officials or men or ideals, as you call them, but nevertheless we grasp the rough edges of conditions. So I say that, believing it to be true that now is the time, because Congress is busy with industrial training and education, and labor has indorsed it, vocational training and education, why not include, if it might suit your judgments, this suggestion about an education that would teach children to overcome in an honest way the poverty? I tell you all that that would include—I believe now is the time. I don't believe there will ever be any rest until that is done.

Now, I also said, in the first place, I referred to an economic principle, which you understand as well as anyone else, that the hard times are artificial; that unless workmen earn enough to purchase, why, all the laws on earth are of no avail. I believe we have found in our trade collective bargaining that should be put in plainer language for the whole trade. That means organized labor and organized employers. That means the employer goes there to buy labor from the representatives of labor under the best conditions he can obtain it, and the men go there to sell the labor of those who sell them under the best possible conditions. That has led to harmony and prosperity and good will in trade that, to my own personal knowledge, for over 30 years; I have been active in the labor movement 25 years; I have been a member 32 years. So you may excuse me a little to-day for talking so much if I am full of a question that I have been dealing with every day for that length of time.

I believe the solution of the economic problem, the simple solution that will meet the approbation of all men, and I think you will find its basis in the Scripture, is to make every man a producer as well as a consumer. That is the basis of political economy, as I understand it—to get men to work. I think that is the whole thing here, to my thinking, and I was leading up in that direction. We have so many here who consume—I will say nothing about those who can live without producing—I am talking of the workmen, the idle workmen and the woman and the child, and anything that would lead in that direction, according to my view, is the main basis of the labor question. And that is giving to them enough.

As I say, if I was allowed to talk here, I could tell you a whole lot of things about this unrest that might lead you to think that I was interested in politics, but I am not. I say it is manufactured, and partly political.

I believe from my knowledge of employment bureaus in the cities and in others that this commission might do something toward having governments, or the State, maybe—there might be a clash there—but there should be some employment agencies that would not be graft offices, and that would be in the control of men who had passed an examination as to their character and ability. I believe that would be a splendid thing. I could say something on efficiency, but I think I have talked enough. We have no stop-watch system or no efficiency system, yet we produce more ware to-day in 8½ hours—twice as much ware to-day in 8½ hours—as we did 25 years ago in 10 hours. That

comes from loyalty to the employer, because of fair treatment by the employer, and improved facilities; of course, all have led to that.

That is all I have to say.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Hayes.

Mr. HAYES. Unless you wish to ask me more questions.

(Witness excused.)

TESTIMONY OF MR. GEORGE W. YOST.

Prof. BARNETT. Mr. Yost, will you give the reporter your name and address?

Mr. YOST. George W. Yost, Bellaire, Ohio.

Prof. BARNETT. Mr. Yost, will you state what your official connection with the National Association of Bottle and Vial Manufacturers is?

Mr. YOST. President of the association.

Prof. BARNETT. For how long, Mr. Yost?

Mr. YOST. I think 10 years—8 years, possibly.

Prof. BARNETT. Eight years?

Mr. YOST. Yes, sir.

Prof. BARNETT. In the glass bottle and vial business what part of the manufacturers are connected with your association?

Mr. YOST. What is that?

Prof. BARNETT. I say what proportion of the manufacturers who make glass bottles and vials are in your association?

Mr. YOST. Just about one-half of them, I think.

Prof. BARNETT. One-half?

Mr. YOST. Yes, sir.

Prof. BARNETT. Why do the remainder of the manufacturers not join—of the men who employ union operators, I mean?

Mr. YOST. That would be impossible for us to answer. We think all ought to. We have used every effort we can to get them to do it, but they do not.

Prof. BARNETT. They abide by the agreements concluded by your association and the glass-bottle blowers?

Mr. YOST. All those that employ union labor do; yes, sir.

Prof. BARNETT. All those that employ union labor?

Mr. YOST. Yes, sir.

Prof. BARNETT. But that obedience to this agreement is secured by the union?

Mr. YOST. Yes, sir.

Prof. BARNETT. That is, if they do not abide the union would call a strike?

Mr. YOST. We have no power.

Prof. BARNETT. Does your association have any other function, such as credit bureau, or do you have anything—do you negotiate with the railroads about rates?

Mr. YOST. Yes, sir; we have what we call the railroad committee. We used to have what we called a tariff committee; that is obsolete now, but we have a railroad committee.

Prof. BARNETT. But those other functions are not sufficiently important to attract the other manufacturers?

Mr. YOST. They are not considered so, perhaps.

Prof. BARNETT. Is your association responsible to a member—does it cost much?

Mr. YOST. Ten dollars initiation fee and \$2.50 per shop.

Prof. BARNETT. Shop consisting of—

Mr. YOST. Of three men. That is not the case always; it is sometimes two men and sometimes one man.

Prof. BARNETT. Your association meets ordinarily how often?

Mr. YOST. Twice a year.

Prof. BARNETT. Twice a year?

Mr. YOST. Yes, sir; you mean to speak of our part of it?

Prof. BARNETT. Yes, sir.

Mr. YOST. Twice a year; we meet the two days before our preliminary and final conferences in May and August.

Prof. BARNETT. All manufacturers in your association are invited to attend that meeting?

Mr. YOST. Yes, sir.

Prof. BARNETT. How do you appoint the conferees for the preliminary conference?

Mr. Yost. Appointed by the chairman.

Prof. BARNETT. How many members are usually appointed?

Mr. Yost. Twelve members and two alternates.

Prof. BARNETT. Does that usually include practically all the manufacturers who attend the conference?

Mr. Yost. That committee is appointed—divided according to the different methods of work usually. For instance, there will be so many who are interested in the hand bulbs; so many who are interested in the wide-method machine; so many who are interested in the narrow-mouth machine; we divide them up as nearly as possible to have all the interests represented.

Prof. BARNETT. What is done at this preliminary conference—before we get to that, does this general meeting of the association go over in advance of the preliminary conference all questions which may possibly come up?

Mr. Yost. Yes, sir; the preliminary conference—the bulk of it is gone over in the final conference—the things not easily handled in the regular conference.

Prof. BARNETT. I mean the meetings of your association.

Mr. Yost. The committee appointed at the annual conference does not go into effect until the next May. That is, they do not have anything to do; that is, the preliminary conference. Then they take up and settle the matter at the final conference.

Prof. BARNETT. Do they have any instructions from the general meeting, or are they free to act?

Mr. Yost. Usually at the meeting the day preceding the final conference of manufacturers the manufacturers meet in annual session and dispose of the situation and frequently discuss all subjects that are to be brought up by the committee before the conference.

Prof. BARNETT. But they are free to act as they see fit?

Mr. Yost. Yes, sir.

Prof. BARNETT. Those instructions are not binding?

Mr. Yost. No, sir.

Prof. BARNETT. Do you think that the preliminary conference is, on the whole, a useful institution?

Mr. Yost. Yes, sir.

Prof. BARNETT. You know, perhaps, that in the flint-glass trade they have abolished that preliminary conference very largely on the ground that the cost was too much? You do not think that is true?

Mr. Yost. I don't think so; I think the preliminary conference is a very valuable part of our work. We bring up matters there, the discussion on particular items, that if we had to settle them there might cause some trouble, or if we would make some demand or request, or the other side makes some request, if it had to be settled at that time it might lead to trouble, but we all have time to think it over, and we have for years settled those in the conference.

Prof. BARNETT. The final conference is in July?

Mr. Yost. Late in August. Now, on account of the change from 10 to 11 months' work, the employees are not ready now to act in July.

Prof. BARNETT. So that you have, then, from May until July to think over any disagreements which develop at the preliminary conference?

Mr. Yost. May until August now.

Prof. BARNETT. May until August?

Mr. Yost. Yes, sir.

Prof. BARNETT. This period of consideration you think tends toward reaching an agreement?

Mr. Yost. I believe so.

Prof. BARNETT. In August?

Mr. Yost. I believe so.

Prof. BARNETT. After the agreement is signed in August, how are any disputes which arise under the agreement settled?

Mr. Yost. The disputes until the May conference are left to the president of the glass-blowers' association. Any ruling he makes is binding until the May conference, or possibly until the final conference, if it can not be settled at the May conference, but it is binding until the May conference, and it is frequently worked under also. If either side objects to the ruling, the protest is brought before the conference for settlement.

Prof. BARNETT. I think your agreement is the only one in the country, so far as I know, Mr. Yost, in which the settlement of the dispute is left to one person. It is usual for the agreements to be left to the president of the association and the president of the union, or officials from either side.

Is this because of the great confidence the manufacturers have in Mr. Hayes or to some other question?

Mr. YOST. In the first place, they are inclined to be amicable. Mr. Hayes and the other committee might be in trouble if they tried to. They have found that Mr. Hayes is very fair in his decisions.

Prof. BARNETT. So you regard that method of settling disputes under agreement as very satisfactory?

Mr. YOST. Yes, sir.

Prof. BARNETT. Have the men ever quit work on account of strikes—disputes?

Mr. YOST. I think there has been rare occasions, for a week or so, but I want to go on record as saying, in my experience of more than 20 years as a member and chairman of that association, that we have had absolutely no trouble whenever an agreement was made, whether favorable to the workmen or not, they have adhered to it absolutely. And when we had it settled, we knew we could contract for a year's work under the conditions that existed at the time; that there would be no question about their carrying out their part of the agreement.

Prof. BARNETT. Do you regard the advantages thus conferred by the agreement; that is, the advantages flowing from the fact that you knew that the agreement, the conditions for the year, were sufficient to make it worth while, to keep up the agreements? You think the agreement has been a good thing, do you?

Mr. YOST. Personally, I am very much in favor of it; yes, sir.

Prof. BARNETT. You prefer to have the agreement rather than to have a system under which you contract individually with your workmen?

Mr. YOST. I have never had, with the exception of six months, possibly, in years—thirty some years ago—I have never had any other way, consequently I hardly speak fairly of it, because my experience has been very satisfactory so far as that part of it is concerned.

Prof. BARNETT. Just a question or two, Mr. Yost, about the machine. Mr. Hayes told the commission on Saturday about the policy of the union with reference to the machine, the policy of reducing wages, or, rather, the free-shift system, and the reduction of the number of apprentices, and, finally, the reduction in wages.

From the manufacturers' standpoint, do you think it would have been possible to have handled the machine question in any other method so as to have avoided unemployment for the men? Could any improvement in that policy have been possible, or do you regard the union's policy as the logical one?

Mr. YOST. That is pretty hard to answer, that question; and a good many manufacturers have felt that if the union had, years ago, at the inception of their changes, had made more logical reductions, that it might have brought different results. It is a matter of conjecture rather than a matter to be definitely decided.

Prof. BARNETT. Just how do they think that it might have brought better results?

Mr. YOST. I would say that I think, generally, that the union has handled the matter very fairly, and it was handled very ably, because they have kept their organization together and they have done what is very dissatisfactory to labor organizations generally—they have reduced wages sometimes, when they thought it was important, but not as Mr. Hayes said; they have not reduced wages at all on some things, on some items, and on others they have reduced very considerably. They have done that as they, in their judgment, thought it was best to do, I think at the time.

Prof. BARNETT. Just how would an earlier reduction in wages, just how do the manufacturers—

Mr. YOST (interrupting). Well, it was a question among some people whether it might have simply brought a cost where the machines would not have competed at the time.

Prof. BARNETT. Why?

Mr. YOST. It is merely a matter of one side has got as good an argument as the other. I don't know.

Prof. BARNETT. Many manufacturers had very little knowledge of how much a machine could produce at that time?

Mr. YOST. Yes. And the machines did not produce at first what they produce now, so far as that is concerned. The machine improved as well as the glass blowers.

Prof. BARNETT. Do you regard the outlook for glass-bottle blowers as promising at the present time with the machines?

Mr. Yost. Yes; I think there is going to be work for glass blowers 50 years from now. My experience with the machine is comparatively short, but to my mind it has demonstrated that there is going to be a great deal of work to be done by the blowers, or some other method of making except from any one machine. You understand there are other automatic machines besides the one generally discussed. There are a great number of semiautomatic machines which interfere seriously almost as the automatic with the wages of the workmen.

Prof. BARNETT. That is all.

Acting Chairman WEINSTOCK. Have you any questions, Mr. Lennon?

Commissioner LENNON. I have none.

Acting Chairman WEINSTOCK. How many fewer men, Mr. Yost, so far as you know, are now employed in the industry than were employed before the introduction of the automatic machine?

Mr. Yost. I don't believe I could answer that. There has been on—the machine has taken the place of quite a number of men; on the other hand, the trade has grown so that—I think Mr. Hayes could answer that, of course; and I think there is about as many as before, possibly a few less. I would not think much. But I am not familiar with that side of it.

Acting Chairman WEINSTOCK. In other words, the expansion of the industry has absorbed the men thrown out of employment by the machine?

Mr. Yost. Very largely, yes; but I am not quite sure to what extent.

Acting Chairman WEINSTOCK. Now, the statement has been made before this commission at various times by various witnesses that the tendency of modern industrialism is to replace the skilled workers with machines, and for that skilled worker to become practically only a human machine; that is, it is a human machine watching a material machine; and that in that wise the wage value of the worker has been materially reduced. Now, in how far will that apply as to your industry?

Mr. Yost. Now, that may be right and it may be wrong. In the first place, if you take and place the glassworkers' wages at \$4.50 to \$5.50 a day, it has been reduced; on the other hand, I believe there has been a policy on one machine especially to increase the wages of their workmen. They have found that it requires no less blowers who are skilled workmen there as anywhere else and in another place we found that they have improved things, and in our particular case, I believe, as rapidly as possible. I just have a report this morning from Streeter, Ill., that they have changed from the 12 to 8 hour shift, with practically no reduction in wages. I think in our place the cheapest boy, you might say, we have some carrying-in boys who, part of them, are paid \$1.80 a day, and the others run up to \$2.25 and \$2.50 and \$3 a day. In other words, the people who formerly got mostly \$1.75, or something like that, they are now getting \$2.50 a day on an average.

We have raised up one set, and, on the other hand, we have reduced somebody else a little more than that, probably.

Acting Chairman WEINSTOCK. Now, some months ago, while this commission was holding its hearings in the city of Washington, we had appear before us, as one of our witnesses, Mr. Emery. Will you just explain what position Mr. Emery holds, Mr. Barnett?

Prof. BARNETT. He is counsel for the National Association of Manufacturers.

Acting Chairman WEINSTOCK. He is counsel for the National Association of Manufacturers, and who evidently has made a very close and careful study of industrial conditions of the country. I am not in a position at this time, so many weeks having elapsed, to quote him with any degree of accuracy, and I haven't his testimony at hand—it is in Washington—but I can only say that the impression conveyed upon my mind, as I now recall it, by his testimony was to this effect, and I want to find out in how far your experience as a manufacturer, dealing with unions, bears out his views. His testimony, in substance, was to this effect, that the tendency of organized labor is to be despotic, unreasonable, monopolistic, and, among other things, he cited this glass blowers' case, showing that they demanded an admission fee of \$500, making it prohibitory, practically, with a view of establishing a monopoly, and that the employers, in self-defense, had to resort to inventive genius, which brought about the introduction of the automatic machine, which has practically displaced the glass blower.

Now, will you tell us in how far Mr. Emery's opinions hold good in your industry?

Mr. Yost. Well, in the first place, in a broad sense, any organization of either capital or labor is, in a sense, monopolistic; that is to say, it is their object, in getting together, to get a sort of monopoly, although—and they have done that in our business, as they have in others.

Now, in the second place, while we read every day of things in newspapers that would carry out Mr. Emery's statement complained of, there is trouble here and there is trouble somewhere else, and they have done this and held people up. I am not very competent to speak, because, as I said a little while ago, our settlements have been carried out absolutely. There has never occurred anything that was not reasonable. We have never had occasion to hang it up except for a day or week, or a week, or something of that sort, until the national officers of the association could get charge of the case, in which case they generally straighten it out.

From my standpoint it would be only the same as a personal question—what I have read of what somebody else has done. I don't know whether it is because we have got a better set of men or a better committee, or what it is, but we certainly haven't had any trouble of that sort, although I do hear every day statements which make me think, if I believed them, that what Mr. Emery said was true.

Acting Chairman WEINSTOCK. So far as your personal experience goes, in your own industry, you have found that organized labor has respected its contracts and lived up to them faithfully?

Mr. Yost. Absolutely, sir; yes, sir.

Acting Chairman WEINSTOCK. Would you or would you not return to the earlier conditions, where there was individual bargaining, as a matter of choice?

Mr. Yost. I would not, personally; no, sir. Some people who did might do that. I would not do it, because I have felt there is a stability about the business that was worth as much as it cost. It is true we have not always agreed with the other association. The fact is, that we bitterly disagreed with them at times and did not think they did use good judgment, did not think they did what they should for their own best interests, or for us, but it was their part of the business, and they were there to take care of their business, and we were there to take care of ours.

Acting Chairman WEINSTOCK. In other words, while your system of mutual organization, mutual recognition, trade agreements, has not wiped out disputes, they have wiped out war?

Mr. Yost. Yes; they have brought it to a place where it was a question whether they were right or we were right, and they frequently won because they had a better organization than we had.

Acting Chairman WEINSTOCK. Now, as an employer of long experience and a man who has been an observer and a student, do you know of any good reasons why the same conditions that prevail in your industry could not be duplicated practically in every industry?

Mr. Yost. Well, I could find a reason why, simply because the conditions surrounding would not permit it.

Acting Chairman WEINSTOCK. For example?

Mr. Yost. For example, if we are going to organize farmers and farmers' help—

Acting Chairman WEINSTOCK (interrupting). I was speaking of industry.

Mr. Yost. The other side.

Acting Chairman WEINSTOCK. Not agricultural?

Mr. Yost. That is a different thing. I don't know of any reason why they could not do it if they could agree on conditions and terms, and all that sort of thing.

Acting Chairman WEINSTOCK. Have you found in your dealings with organized labor that they have been despotic, unreasonable, unjust, and unfair?

Mr. Yost. I have only thought sometimes they were unreasonable. That was my side of it. I thought that they were quite unreasonable. My friend Hayes over here sometimes acts, I think, very unreasonable, but I can't convince him of it, and consequently I have to let it go at that.

Acting Chairman WEINSTOCK. That is all, Mr. Yost. Thank you very much. Would you care to add anything to your testimony?

Mr. Yost. I don't think so. We have had wiser men than I am. Mr. Hayes has spoken on the other side, and he is very well calculated to look after the interests of his people in every way. The conditions are not good. The reasons why they are not good would be a personal matter, very largely, a matter of

personal opinion as to why they are not good. I would say, generally, that I wish somehow, and as promptly as possible, we could stop the agitation, not of these trade disputes but the passage of laws and the enforcement of laws that are not supposed to be in the interests of the consumers but sometimes are, and it is doubtful, in my opinion, whether they accomplish anything, but people who are not accustomed to it, it is hard for them to know that there is hardly a line of human endeavor that is not interfered with somewhere now by the enforcement of some kind of a law. It may be all right. It may be that when the millennium comes and we get everybody educated and everybody tries, as Mr. Hayes says, to do just as he should, that we can overcome that. But there are so many things that are not bad, not themselves, the laws that are not bad.

Take the pure-food laws, for instance. As a rule, we will agree they are good, and they may be, and there is reason for them, but in the enforcement of them you can not have any idea how millions and ten of millions of dollars are held up in our business. I suppose there is now in the hands of the bottle manufacturers \$5,000,000 of goods that can not be sold under present conditions that could have been sold under conditions at the time they were made. But some inspector—somebody who comes out and makes a rule—the rule may be all right in the making, but it has simply stopped the production, but the cost of it to every line of human endeavor you can hardly say.

Some little while ago in the city of New York they passed a law that they should not sell any more milk out of cans. I thought that was a right good sort of thing, but 30,000 groccerymen had to throw them away and charge the consumer a little more. That was good for the bottle business. We applauded them fully to the echo, but while they were doing it there was trouble. We take, for instance, under the prohibition law. While we will agree, probably, they are good, there are hundreds of thousands of people to-day in the State of West Virginia alone—25,000 people—out of work. I think possibly, when you come around to it, it might be better for everybody, but just while it is going on it is very bad.

And that brings me to this: That in any report of this commission the underlying thing that ought to be remembered is that while the public will pay no attention to the failure of a firm, it is a matter of a few stockholders losing their money every time there is a failure of that sort; there are anywhere from 100 to 1,000 to 10,000 men thrown out of employment and temporarily, and possibly permanently, become wanderers on the face of the earth.

We ought to try to reach some agreement, if we could. As I see it personally, politics enters too largely; politics and business are too closely connected. We have two kinds of business in this country; one is political and the other is commercial, and they are never both active at the same time. When politics is working overtime commercial industry is going to wait until they see what the result of it is going to be.

You can not keep them from it. You may say it is psychological, but it is true. When a man's hair stands it is not important at the moment what made it stand, but it is doing it, and what it is that frightened him is of very small import if he is going to do something that may injure not only himself but possibly hundreds of thousands of other people.

Acting Chairman WEINSTOCK. Just one more question, Mr. Yost, while I think of it.

What is the relations existing in your industry between the employers on the whole and the workers on the whole? Is the feeling one of mutual hostility or one of mutual kindness and friendly relationship?

Mr. Yost. Oh, I think in ninety-nine cases out of a hundred they are friendly. There are possibly one or two or three firms who have not forgotten yet that they used to fight and are keeping up the fight even after they have been beaten, but I don't think there is a particle of that. Our men with us are just as good citizens as anybody else, as any other class of men, and in a good many cases better, and there isn't a particle of feeling or a particle of hostility anywhere. Occasionally we get a recalcitrant fellow we want to fire, and maybe we do someday, but it is not the rule, and that is not the feeling, as I understand it, among our people.

Acting Chairman WEINSTOCK. Thank you very much, Mr. Yost.

This will close the subject of the glass and pottery industry.

